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THE LEADERSHIP OF CONGRESS





THE LEADERSHIP OF CONGRESS

By

George Rothwell Brown



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CONTENTS

CHAPTER	PAGE
✓ I CONGRESSIONAL POWER	1
✓ II THE SUPREMACY OF THE SPEAKERSHIP .	22
• III GOVERNMENT BY PARTY	39
IV THE INEVITABLE CONFLICT	53
V THE RISE OF THE SPEAKERSHIP	71
✓ VI THE SPEAKERSHIP OF REED	84
✓ VII DISCIPLINE AND DESPOTISM	97
VIII ROOSEVELT AND CONGRESS	110
IX THE SENATE ON THE DEFENSIVE	127
✓ X THE REVOLUTION OF 1910	143
✓ XI THE DESTRUCTION OF THE SPEAKERSHIP	172
XII INVISIBLE GOVERNMENT IN WASHINGTON	188
XIII HARDING AND THE NEW HOUSE	225
XIV THE SENATE IN EVOLUTION	252 ✓
XV THE HOUSE AND THE PEOPLE	283
INDEX	301

ERRATA

Page 142, line 8, for Gallagher *read* Gallinger

“ 247, “ 22, for chairman *read* chairmen

“ 301, “ 13, for Maecenas E., *read* Thomas H.

“ 303, “ 10, for Congressional Dictionary *read* Congressional Directory

“ 308, after Randolph, Peyton, 8, 9, 10, *insert* Ransdell, Joseph E., 169

“ 309, line 9, for Robinson, Ransdell, *read* Robinson, Joseph T.

**THE LEADERSHIP
OF CONGRESS**

THE LEADERSHIP OF CONGRESS

CHAPTER I

CONGRESSIONAL POWER

THE transition period in the history of the government of the United States, which began with McKinley's Buffalo speech heralding a new era and ended with the reaction following the World War, was characterized by a psychological revolt against the coercive pressure of the party system upon minds liberalized by a new conception of political morality.


Institutions as old as the republic itself were swept away and fundamental structures of the state were altered or destroyed. Indirectly the relationship of Congress to the Executive was changed as well as that of the Senate to the House.

The influences which in this period arrested and checked those tendencies in government which for a century and a quarter had given form to its organism were the freeing of the elective processes through the introduction of the direct primary system, the enfranchisement of women, the challenge to party absolutism by the progressive movement, the direct election of United States Senators, and the utter annihilation of the power of the speakership of the House of Representatives.

Of these changes, the two which thus profoundly

affected the leadership of Congress in the national political life were the most significant. <An amazing increase in the egoism of the House of Representatives, a remarkable development of its sense of independence, both with regard to the Executive and to the Senate, and a consolidation of its powers such as the old régime had never known were among the striking phenomena accompanying the readjustment, under the Republican party, necessitated by the reform which had sought to obliterate power in that body.> A system of secret government in the House whose existence was unknown to the people took the place of that which, standing out with vivid distinctness, had governed from Clay to Cannon indifferent to hostile assault from without.

As the Senate began, in the period of readjustment which opened with the administration of Mr. Harding, to adapt itself imperfectly and clumsily to the conditions of its changed estate, the new House went forward with an impetuosity which promised to lift it to a distinction which it had not enjoyed since the first few years of its existence, when it was not inferior to, but superior to, the Senate, as the great forum of the people; while there were not lacking indications that the Senate might become merely a semi-judicial body, charged with functions concerning the confirmation of appointments, the ratification of treaties, and the trial of cases in impeachment proceedings, unless the people should themselves save it by sending there the best brains and character in the nation, since in any parliament composed of two bodies elected directly by the people and responsible to the people, the one most strongly endowed with organic prerogatives must necessarily overshadow and weaken the other.



In order to understand how these two fundamental departures from the original American plan of government have changed the relationship of Congress to the President, and to the people, and of the two Houses to each other, and have introduced wholly new factors into the leadership of Congress, it is necessary to examine the historical past. The speakership of the House of Representatives of the American Congress, developed as an instrumentality of government, was an institution whose germ was inherited by the people, through their Colonial Assemblies, from their Anglo-Saxon ancestors, who had wrung it as a concession from reluctant royalty. It was nurtured in the very cradle of liberty.

During a period of growth of more than a century the office became in power second only to the presidency. Its destruction in 1910 constitutes the most important fact in American political history since the compromise with respect to the election of Senators which led to the adoption of the Federal Constitution. The early Colonial Speakers were the political leaders of their time. The offices they held at the head of the popular branches of the legislative bodies became the repositories of those rights and privileges, slowly gained from the Crown, which, in the aggregate, constituted the Magna Charta of the people. The American Congress was modeled upon the British Parliament, the House of Representatives upon the House of Commons, which, as far back as 1376, had given the title of Speaker to its presiding officer; the Senate, through the Colonial Councils, upon the House of Lords; but both, in the processes of change, in a new environment, and in an atmosphere electrical with the spirit of freedom, under conditions singularly con-

4 THE LEADERSHIP OF CONGRESS

ductive to the propagation of the idea of human rights, were stamped with the indelible impress of the American genius for self-government.

In the Colonial Assemblies the title of Speaker was given to the presiding officers, and the leaders in the struggle for independence, some of whom had borne it, carried the traditions, functions and powers of the speakership into the Colonial conventions, state legislatures, and the federal government which they founded.

The initial effort to establish in America a free representative government was made in 1619, when the first legislative body to be convened in Virginia assembled. By 1628 the Assembly was legally recognized by the King. The legislature was composed of the Governor, Council and the representatives of the people. The committee system in Congress is inherited from the Colonial Assemblies, some of whose committees bore names which are still in the nomenclature of the congressional committees of to-day. From the same fresh sources of American inspiration came also the tradition of the great and necessary powers of the Speaker, the "previous question," and the basic rules of parliamentary procedure. The early Colonial Speakers had the power of the appointment of committees, and were themselves members of important committees. The Speaker of the Pennsylvania legislature was exercising a considerable power at an early date. He was a member of the Committee on Rules, and was also a member of other committees. His activities were not confined to the Chair or to committees, but extended to the floor. "As early as 1687 he began to acquire the appointment of committees, a

privilege which was entirely vested in him by rule in 1701.”*

Through the Colonial period the power and influence of the Speakers of the popular branches of the legislatures steadily increased. These officers were close to, and frequently controlled, the Colonial revenues. They bore the brunt of controversies with the governors appointed by the Crown, and were not infrequently ambassadors of the Assemblies to London. They stood between the people and their local governments, and the powers of the royal government. In North Carolina a Speaker of the House, and representing that body in England, was named as governor. The temperament and political necessities of the people combined to make the Colonial Speaker a party leader, as in Virginia, and when the powers and functions of his office were transferred to the state legislatures, that quality of leadership was transmitted also. It is one of the marked tendencies in the development of civil government in the United States.

In Virginia the political history of the Colony was largely the story of the contest by the Burgesses against Governor and Council. Gradually the lower House gained in power which steadily increased, partly because with sure instinct it held tightly to the purse. Before the close of the seventeenth century the House had all the necessary officers, including a speaker, the clerk, the sergeant-at-arms, the doorkeeper, the chaplain; and the various committees. The Speaker of the House of Burgesses was not an appointive officer representing the Crown, but was elected by the

**Congressional Committees*, by Lauros G. McConachie, Ph.D.

Assembly. He drew his strength, not from the royal authority, but directly from the people; to them he owed his obligations. The Speaker of the Virginia Assembly was especially strong and influential in the eighteenth century, and also during the Protectorate. He was not subject to the royal Governor. He was the legislative leader of a people in whom all the instincts of liberty were manifest.

"The House was, according to a contemporary writing about 1700,* a great restraint 'upon both the Governor and Council for many years, till about 1680.'"

The House had full power over appropriations, and, although usually the Council was requested to concur in its decisions as to public claims, it virtually decided all such matters. In the eighteenth century there were struggles between the Burgesses, and a coalition between the royal Governor and the Council, but these attempts to check the increasing power of the popular branch of the legislative assembly failed, as in the case of Governor Dinwiddie, whose administrative policy having been imperiled by such a course, found that "coercion had to be abandoned and conciliation and compromise adopted in order to secure appropriations."†

The Virginia Assembly steadily broadened its functions, even encroaching upon the Governor. "The House increased its power by combining with its control over finances the appointment of the Treasurer of the Colony. From 1691 the Treasurer was appointed by the House, and for sixty-seven years (1699-1766),

**The Royal Government in Virginia*, by Percy Scott Flip-
pin, Ph. D., p. 202.

†*Ibid.*, p. 205.

the Speaker of the House held the office. In 1757 John Robinson, the Speaker-Treasurer, used his power against Dinwiddie by lending the public funds to certain members of the House in order to secure their votes. Thus Dinwiddie was nominally Governor but could not interfere with Robinson, whose influence was very great.”*

Governor Fauquier, in 1761, declined to interfere with the dual power of the Speaker, and in a letter to the Board of Trade referred to the Speaker as the “darling of the country.” In this letter he admitted that the Speaker was the most influential man in the Colony.

It was through no accident that the Speaker of the Virginia Assembly became the most powerful man in the Colony. Although John Robinson was the acknowledged head of the landed aristocracy, the power was inherent in the scheme of government. Robinson held the speakership for a quarter of a century; and was Treasurer also, not by virtue of royal appointment, but through his elevation to that office by the Assembly itself. Notwithstanding his close alliance with the court, “his personal influence, in every class of society, was very great; and he held that influence by a tenure far superior to any that his own vast wealth or the power of the Crown could confer.”†

It was in challenging the enormous power of the speakership that Patrick Henry enhanced the distinction he had won in connection with the resolutions of the Virginia Assembly of 1765, concerning the Stamp Act. Robinson was dead, discoveries of his delin-

**The Royal Government in Virginia*, p. 212.

†*Life of Patrick Henry*, by William Wirt, p. 62.

8 THE LEADERSHIP OF CONGRESS

quincies as Treasurer had come to light, and "it was considered by the patriots in the House* as a measure of sound policy, to take out of the hands of the Speaker so formidable an engine of corruption and power as the Treasury of the Colony. A motion was therefore made to separate the office of Treasurer from the Speaker's Chair, which was supported by Mr. Henry with his usual ability. An arduous struggle ensued. . . . This union of the Speaker's Chair with the office of Treasurer was one of those errors in policy which time had consecrated. . . . The motion for separating the two offices being carried, a committee was appointed to examine the accounts of the late Treasurer, and their report disclosed an enormous deficit, exceeding a hundred thousand pounds."

Thus at the very beginning was sounded an ominous note touching the excessive power of the speakership.

Peyton Randolph, who had been the King's Attorney-General, was advanced to the Chair.† Under him the speakership was to be lifted to a sublime height of power devoted to the service of the people and to the cause of their liberty. On May 16, 1769, the House of Burgesses adopted resolutions against sending to England for trial any person charged with crime or felony, contrary to "long established course of proceeding." Other resolutions of protest against taxation acts of Parliament were adopted, and the Assembly was dissolved by the Governor. The Burgesses met in a private house and resolutions requesting redress of grievances were adopted, and were signed, among others, by Peyton Randolph, the

**Life of Patrick Henry*, by William Wirt, p. 87.

†Session of 1766.

Speaker; George Washington, Richard Henry Lee and Thomas Jefferson. In November following the Assembly advised that all acts of Parliament imposing taxes should be repealed. The British government very early adopted the policy of leaving the support of the Colonial governments to their respective Assemblies, and "there were many occasions when it became necessary for the Governor of Virginia to call upon the Assembly for appropriations of money and supplies. No taxation within the Colony was legal without the consent of the Assembly."* The Assembly had firmly fixed this principle by passing at different times, from 1624 to 1680, acts declaring that the House alone had the power to levy taxes.

It was under the leadership of Speaker Randolph that Mr. Dabney Carr, on March 12, 1773, brought into the Burgesses the resolutions proposing, as Massachusetts had suggested them at almost the same time, the "Correspondence Committees" between the legislative bodies of the different Colonies. The Speaker of the House was placed at the head of the Virginia committee of eleven, his associates being Robert C. Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary and Thomas Jefferson.

The order directed the Speaker to transmit the resolutions "to the Speakers of the different assemblies of the British Colonies on the continent." Thus it was through the Speakers of the legislatures that the life-giving impulses of the Colonial governments were carried into the blood-stream of the Continental Con-

**The Royal Government in Virginia*, p. 209.

gress, and the Congress of the United States. The Virginia delegation shortly thereafter appointed to attend a general congress of all the Colonies, was composed in the order named, of Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison and Edmund Pendleton.

The First Continental Congress—the beginning of American union—meeting in Carpenters' Hall, in the city of Philadelphia, on September 5, 1774, chose as its president Mr. Randolph, perhaps the best-known Speaker of any of the Colonial Assemblies. Guided by that safe instinct which has so often prompted them, the American people, in their first national coming-together, looked for leadership in a legislative body created by the will of the citizenship.

The Speaker of the Colonial Assembly had been the spokesman of the people, standing between them and the royal authority. For their own protection they clothed him with the aggregate power they could command. His functions were necessarily those of a legislative character, and coming to the Chair as he did, not from the Crown, but from the people, he had none of the attributes of the Executive. His responsibility was wholly to the people and the power with which he was clothed to enable him to meet his obligation was the power of the people and not the power of the head of the state.

The theory of the speakership was thus introduced into the American system, under the Constitution, as a distinct American conception. In the national House of Representatives, for just an even hundred years, from Clay to Cannon, the steady tendency was toward

the idealization of this conception. The political instincts developed during the Colonial period were intensified during the era which was devoted to the consolidation of the victories which had been won for liberty through the development of the theory of representative democracy.

The development of the speakership gave to the legislative function a strong sense of direction. It permitted of the slow and safe crystallization of opinion into policy. It was conservative, a check upon radicalism at a time of experiment in government.

Experience reduced the theory into a formula, and it became an accepted canon of political law that in the American legislative system responsibility must be accompanied by power, in order that those resting under the necessity of action be provided with the means to act.

Under the Constitution the House, unlike the Senate, is not a continuing body; but whatever it may be in theory, in actual practise, through custom, tradition and the gradual perpetuation of the power of organized leadership, usually gathered into the hands of men of exceptional strength of character and long years of service, the House of Representatives in the course of a century came to take on a character, in this respect, practically analogous to that of the Senate. An unwritten law of seniority in committee membership in the House came to be recognized. The committee organization gradually solidified through the perpetuation of place through longevity of service; the new blood drawn each year into the House was filtered in imperceptibly. When the control by the Speaker of committees, through the appointive power, was en-

12 THE LEADERSHIP OF CONGRESS

hanced by the domination he acquired over legislation through mastery of the functioning organism of the House, his sway became absolute. More than a hundred years were required for the perfection of this system, a system which bred revolt at the very moment at which it had lifted the business of Congress to the highest point of efficiency that it had ever attained and which fell in the end because, in the very process of reaching perfection as an instrument of government, it sacrificed flexibility to efficiency.

✓ The speakership of the House of Representatives, during the period of its aggrandizement, from 1811 to 1911, did not, however, become a personal political dictatorship. The Speaker maintained his high position in the House and at times extended his influence over the Senate and the Executive, as the recognized leader of the majority; but not even Thomas B. Reed, in some respects the most masterful occupant the Chair has had, could force the House into an action contrary to its will, and the will of the country, on any major question vitally affecting the people as a whole. No Speaker ever reached a point of power which put him above the law of public opinion. The "Czar of the House" could not prevent the war with Spain or the annexation of Hawaii.

The Speaker of the House of Representatives grew in strength as the servant of the people, not their master. In the destruction of the power which they themselves had conferred upon him, the representatives of the people annihilated an instrument of government which had grown out of their own inherent genius for government through delegated authority. No more paradoxical action has ever been committed

by the American people than in the destruction of the power of the speakership in the name of popular liberty. It is the paradox which has obscured the basic principle of government involved—that with responsibility there must be power—and confused the public perception of what a radical alteration in the relationships of the constitutional functions of the government grew out of the obliteration of the second highest office under the federal system. During the century of political construction from 1811 to 1911, the Speaker of the House became, in the conflicts of parties which involved not only policies of government but interpretations of the organic law, a leader who either functioned in close harmony with the President, or led the House in resistance to executive encroachment.

The strength of the speakership was established upon the rules which concentrated the power of the House in his hands, and the vigorous growth of that body at certain times was responsible for the tendency toward the gradual sacrifice of the individual to the party.

No legislative assembly could meet the increasing needs of a great nation in a period of political, economic and social transition without parallel in the history of the world, without constant readjustments. The House sought with every change in national conditions to respond to the new obligations laid upon it. The Senators and Representatives who attended the sessions of the First Congress traveled to New York by stage-coach and on horseback, those living at remote distances being weeks upon the way. Some of those who sat in the Sixty-Seventh Congress went to Wash-

ington by airplane, in a few hours. Delegates attended from the West Indies, from the frozen Arctic, and from the distant outposts of American civilization in the mid-Pacific and the Far East. Members keep in communication with their constituencies by the telegraph and the radio, and what they may do, or may fail to do, is of such interest, not only to the hundred and more millions of their own countrymen, but to peoples of the earth who may never have heard of their existence, that their words are flashed around the world in the twinkling of an eye. Every new invention springing from the mind of man adds to their constitutional labors. They regulate the affairs of the grocer behind his counter, the physician in his laboratory, and the diplomatist in his closet. They adjust the relationships of the nation with organized capital and organized labor. The scope of their authority is extended to the unexplored regions of space, where not even the eagle may follow the winged man, and they prescribe the rules to govern the use of airships and the wave lengths in wireless communications under a power conferred upon them by the Constitution a century before Langley and Marconi. They appropriate the peoples' money for purposes of which the founders of the republic had no conception. They levy taxes for an expenditure so vast that the mind which authorizes them can not grasp the meaning of the figures with which it deals.

As the activities of the people increased, and as the need grew for new laws, and new kinds of laws, to control the mighty forces set in motion by invention, discovery and the expansion of social and eco-

conomic life, the House of Representatives protected the interests of the people by increasing its own ability to serve them. This could be done only through the sacrifice of the power of the individual Member to the general good. The single Representative voluntarily transferred from himself to an organization in whose creation he participated a part of his authority as a Member of the House, in order that the House might transact the greatest possible amount of business with the maximum of efficiency and justice. Otherwise the American experiment in representative government would have failed. x

It necessarily happened that such a delegation of power involved a real sacrifice. The individual Member suffered loss of prestige and influence in acquiescing in a policy which restricted the exercise of his own will; but although he might thus suffer to the extent that he could not look for action upon all the measures in which he was most interested, he gained in the assurance which he received in return that, in so far as practicable, there would be action upon a part of those measures in which he was concerned, both as the representative of a constituency, and as a prospective candidate for reelection to his seat, and thus largely dependent, for his political future, upon the enactment into statutes of bills calculated to enhance his prospects at the polls. It early became clear that there was not sufficient time in any session of Congress for the enactment into law of all the bills introduced by the membership. The question, then, to be determined, was how the selection was to be made of those comparatively few measures to be given preference, and into whose hands should be placed

the authority to make that selection, in the interest of the country, of the individual, and of the party.

This authority was absorbed by the Speaker, and actually was exercised by a coterie of men, of long experience and sound training, and proved devotion to the party interest, who generally came into the control of the majority, and hence of the House, through intellectual ability and the impregnability of position conferred by long service. ♦

Congress has always functioned effectually when a majority of its Members have been actuated by common intellectual impulses, when their purposes have been identical or similar, and their objectives definite.

Organized leadership in the House prevented disintegration of opinion, and tended to check actions springing from imperfect comprehension, passion, selfishness and personal idiosyncrasies. This organized leadership could only act as a brake, and not until after a century of growth became strong enough to throttle those fundamental desires of the people which are founded upon elemental truth and justice. Although the individual voluntarily subordinated himself to the power of the speakership which he had created, and theoretically could change the organization of the House, actually the system which grew up tended to make the speakership stronger and the individual weaker.

The organization of the House, under the rigid system of party government, was such that no chairman of a committee, himself a creature of the Chair, could risk the inevitable conflict with the vast power of the speakership which would have been precipitated by insubordination. Hence the power of the appointment

of committees came to carry with it the power of the inner organization, headed by the Speaker and his trusted lieutenants, to determine the whole of a legislative program through the exercise by the Speaker of those functions conferred upon him by the rules of the House.

The precedent in the House of promotion through seniority on the various committees, which gives to that body a character with respect to continuity much like the Senate, was broken by the Speaker, in organizing a new Congress, when, in his judgment, the public welfare or party interest required. Thus the whole system which developed in the House was directed primarily toward one end—the efficient operation of the majority of the House as an instrumentality of party government under the two-party system required by the Constitution. It was a plan which, in creating and concentrating strength in the hands of the few, was certain to arouse the vigorous opposition of men, or small groups of men endowed with an instinct for leadership the exercise of which was denied, with intellectuality and ambition, and restive by nature and temperamentally antagonistic to a discipline which curtailed individual activity and freedom of opinion.

Since it was precisely for the purpose of meeting opposition from such sources that the rules of the House granting unusual powers to the Speaker had been adopted in the beginning, naturally those powers were used to hold such forces in check.

The mind of the House tended to become a composite mind, not an aggregation of individual minds. Flagrant abuses of the power in overriding the rights

of minorities were generally approved by the majority of the House, which is no more than another way of stating that after having deliberately adopted certain rules of procedure knowing that through them minority opinion would be sacrificed to the common welfare the House confirmed this action whenever the necessity arose which required choice to be made between the party and the individual.

This strengthening of the power of the organization of the House took place during a period that was marked by the consideration by Congress of measures and policies involving questions of the greatest possible concern to them as Members of the House serving under solemn oath to sustain and defend the Constitution, as representatives of special constituencies, acting under the power of delegated authority, and as American citizens. Hence these various acts through which the power of the speakership was enhanced were done in the name of the institutions of liberty. It was naturally true that the organization was of greatest importance when the questions presented for determination by the House were the most serious in import.

The House steadily fortified itself that it might be able to serve the people as a whole. Modeled as it was upon the institution which had been developed in the Colonial Assemblies, the prestige of the speakership was still further enhanced, during a long period of years, by the fact that the office stood third in the line of presidential succession.

Under the law of March 1, 1792, which had been signed by President Washington, the presidential succession devolved, in the event of the "removal, death,

resignation, or inability both of the President and Vice-President of the United States," upon the President of the Senate pro tempore, and the Speaker of the House of Representatives, in the order named.

The Vice-President, Thomas A. Hendricks, died November 25, 1885, before the meeting of the Forty-Ninth Congress. No President pro tempore of the Senate had been elected at the special session of the Senate following the close of the Forty-Eighth Congress, and there was no Speaker of the House, the Forty-Eighth Congress having expired by limitation on March 3, 1885. Mr. Carlisle had been Speaker of that House, and at the December session of the Forty-Ninth Congress was again elected; but at the time of the death of Mr. Hendricks the one Congress having expired and the other not having been organized there was no Speaker. This situation disclosed an obvious weakness in the act of 1792, and President Cleveland recommended the enactment of a new law, but did not undertake to indicate to Congress what its provisions should be.

A bill, originating in the Senate, was passed, excluding the President pro tempore of the Senate, and the Speaker of the House, from the succession, and transferring the succession to the Cabinet. The House accepted the Senate bill, and thus the presidential succession was taken away from officers of the government elected by the people, and transferred to those owing their positions to presidential appointment. It can not be doubted that a serious mistake was thus committed.

The act of 1792 was almost coeval with the Constitution and had been sanctioned by time. The ques-

tion had been raised by Mr. Madison whether the President pro tempore of the Senate, and the Speaker of the House, were "officers of the government," but such doubts as he may have entertained were shadowy. "Both Roger Sherman and Elbridge Gerry asserted the position that the President pro tempore was an officer of the United States, and the latter declared that the Speaker of the House had equal dignity."* About 1850 the Senate had studied the question, and the committee on the Judiciary, in response to a resolution introduced by Senator Crittenden, made a report sustaining the constitutionality of the act of 1792.

When the succession bill was under consideration in the House it was subjected to serious criticism on the ground that it vested in the President the power to perpetuate his party in the presidency, through the medium of officials not elected by the people but appointed by the Executive.†

It had happened twice, up to 1886 that there had been occasions when the contingency arose during the interval between the fourth of March and the first Monday in December, when the Senate had no President and the House had no Speaker. Upon one of these occasions the President was assassinated; upon the other the Vice-President died.

During the debate, William McKinley, perceiving the necessity for perfecting the act of 1792, while believing the principle it contained to be sound, proposed a significant amendment which disclosed his

**Senate Document*, 104, Sixty-Second Congress, first session, p. 81.

†*Congressional Record*, Forty-Ninth Congress, first session, p. 688.

opinion of the position and dignity of the speakership. He would have preserved the essential feature of the succession act of 1792. The plan which he offered proposed that in the event of a vacancy in the presidency "the President of the Senate pro tempore, or, if there be none, then the Speaker of the House of Representatives, for the time being shall act as President until the disability is removed or a President elected. And for the purpose of having a Speaker of the House of Representatives in office continuously, the Congress shall convene at 12 o'clock M. on the fourth day of March next succeeding the election of Representatives in Congress; and whenever a vacancy exists either in the office of the President pro tempore of the Senate, or Speaker of the House, the President shall convene the House in which the vacancy exists for the purpose of electing a presiding officer."*

Mr. McKinley's substitute was lost, 108 to 159, but the position toward the Speaker which he took was warmly supported by others, and there was a considerable element in the House who believed that the presidential succession should be kept in an office whose occupant drew his power directly from the people, and who was obliged every two years to return to the people to answer for his official actions. Although the Speaker of the House was held to be an officer of the United States he was only one Representative among many, and was responsible to the voters of his own district.

**Congressional Record*, Forty-Ninth Congress, first session, p. 670.

CHAPTER II

THE SUPREMACY OF THE SPEAKERSHIP

THE development of a strong instinct for party government in the House of Representatives took place slowly over a long period of time. It was influenced by many spiritual and economic reactions, and party solidarity was finally accomplished through the concentration of centralized authority in the hands of an organization of partisan leaders. While the Speaker of the House was not invariably the most influential, nor the ablest, the power essential to the maintenance of the party system was lodged in his hands through the gradual strengthening of the rules from which he drew his vigor.

Almost from the beginning the increasing prestige and preponderance of the Speaker was challenged in the House, but never successfully until toward the close of the régime of Mr. Speaker Cannon, when the speakership was overthrown as one of the innumerable consequences of a political revolution without an exact parallel in the history of American politics, and as the result of an expenditure of moral forces in the country which were directed against, not merely the Speaker, nor the House of Representatives, but Congress as a whole, the Judiciary, and certain long-established institutions for the nomination of public officials elected by the people, and which accomplished,

before they were spent and dissipated, radical alterations in the machinery of legislative government the consequences of which were not immediately perceived by those who advocated these changes in the name of reform.

The supremacy of the speakership prior to 1910 had resulted from the consolidation in the office of three major prerogatives, and when, in 1910, and 1911, the House, reacting to a state of mind in the country, sought the liberation of the legislative branch of the government through the destruction of the oligarchy which supported, and was supported by, the dominant will, with unerring instinct it accomplished this purpose by depriving the Speaker of those functions through which his will had been exercised.

This reform was brought about by a coalition formed against the party in control of the machinery of the House, and responsible to the administration of which it was a part and to the country for the orderly conduct of the business of government, the coalition being between a small and dissatisfied faction within the majority, and the minority. It was a reform, forced upon the majority party contrary to its wishes, which was in violation of all its established and accepted precepts, principles and traditions, a circumstance of the utmost psychological importance in its bearing upon subsequent developments.

◀ The functions of which the speakership was deprived were, in the order of their relative importance to the maintenance of power in that office, the right to appoint committees of the House, including the Committee on Rules, and to name their chairmen; the right to dominate the Committee on Rules through the

exercise of authority as its ex-officio chairman; and the power of recognition. These were the locks of Samson. When they were shorn the Speaker was changed from a potent leader through whom the will of the majority was brought to bear upon all questions presented for consideration, discussion and settlement, to an impotent and inconsequential moderator. It had taken more than a century for this strengthening of the power of party government through organized leadership to be accomplished. Its destruction was brought about eventually at a moment of intense reaction, when men's minds everywhere were susceptible in marked degree to the influences of intellectual unrest, when politics, which is a science, was brought within the sphere of emotionalism almost religious in intensity of feeling, and when the blind instincts of abstract morality were confusing to the practical judgment of statesmen.

This new manifestation of spiritual emotionalism in politics stimulated the basic political instincts of fear and selfishness. In a state of mental confusion bordering on hysteria, the House, endeavoring to reflect a public sentiment in the country which had imperfectly crystallized, extinguished a power which it had itself created for the protection of the liberties of the people, and which for a hundred years had been devoted to the interests of the people. In passionate eagerness to conform to a popular standard of political morality masquerading as novelty, the House conceived its own virtues to be vices, plead guilty to crimes it had not committed, convicted itself upon an indictment drawn by an irresponsible minority, and

slumped into a psychological condition of self-contempt.

The House of Representatives, at any given time, only rarely and imperfectly reflects the soul of the nation. Its intellectual and spiritual level is usually below or above that of the constituencies which have elected it, and this is necessarily so because the mind of the House tends to become a composite mind. For this reason, also, the House infrequently keeps step with the country. It either lags behind the country or marches well in advance.

Numerous factors have tended to shape the American national character during the formative period of government, when the people were thrown upon their own resources in meeting such problems as no people in modern times had been called upon to face, and which abnormally stimulated pride and exaggerated the ego. An original and inherent sense of caution, growing out of the basic knowledge, with respect to American institutions of government under the dual system of state and federal control, that they constituted an experiment in liberty; a climatic condition which has made Americans the most nervous and emotional of people; the undermining influence upon the Colonial stock exerted by European immigrants and their descendants whose traditions went back, not to Plymouth and Jamestown, the Revolution, the Constitutional Convention, and the theories of Washington, Hamilton and Jefferson, but to the despotisms and radicalisms of the Old World; a race question to which there is no answer—all these things had played their part in the development of the American political

mind. Generally the tendency on the part of the people was to ignore the great part which the accident of natural resources had played in the successful establishment of a free democracy in America, to overestimate their own political virtue and sagacity, and to develop a pride which hardened into a national self-sufficiency. The biological struggle toward the attainment of a distinctive race type, of whose success there was little national consciousness until the World War disclosed how perfectly the processes of assimilation had functioned, was no more plainly marked than the blind groping after the distinctive American political idea.

The structure of modern government in America was not founded upon an existing civilization but was created gradually by the people as a part of their daily work in conquering the forests, rearing cities and building railroads. Thus government and politics grew out of economic necessity, and the making of laws was incidental to the making of a nation. The making of laws requires concerted action based upon determined policy, and in the House of Representatives, as in legislative bodies generally, power was conferred upon the Speaker in intuitive acknowledgment of his necessities in their relation to his responsibilities. It was a power founded on logic. This was true from the beginning.

The rules of the First Congress, adopted April 7, 1789, provided that the Speaker of the House should appoint all committees except such as consisted of more than three members, which were to be chosen by lot.* But on January 13, 1790, the rules were

**Annals of Congress*, Volume I, pp. 98 to 102.

amended to provide that "all committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot."* It was from this germ of power that the Speakers of the House developed their domination under a rigid system of party government, responsible for the orderly conduct of public business through the will of the majority, in accordance with the accepted principles of the American theory.

The First Congress met in New York March 4, 1789, but it was not until April first that there was a quorum. On this date the House proceeded to transact its first business, the election of a Speaker, the choice falling upon Frederick Augustus Muhlenberg, of Pennsylvania, in which state a strong speakership had been developed at an early date. Thus the United States had a Speaker of the House of Representatives, derived from the popular Assemblies of the Colonial period, before it had a President, whose origin was in the royal Councils.

On April seventh, Mr. Boudinot, from the committee which had been chosen to prepare "such rules and orders of the proceedings as may be proper to be observed in this House," made a report and the first rules were adopted, specifically including the deliberate delegation to the presiding officer of that great authority which was to lift the American speakership to a place of power, responsibility and dignity in the government second only to that of the President, and make possible a magnificent growth of the House of Representatives as the champion and safeguard of liberty.

*Hinds' *Precedents*, Section 4448.

A living organism, expanding naturally and surely to meet each new event growing out of the experiment in democratic government, the House found within itself the power to meet any crisis through the instrumentality of its own rules, under the broad grant of the Constitution.

In the choice of the Speaker and the adoption of its rules no restrictions are imposed upon the House. The Constitution leaves it free to approach the constructive work of legislation which is its special function. "The House of Representatives," in the language of the organic law, "shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment." It is perhaps not so singular as it may seem at first thought, that the power of electing the Speaker and the power of impeachment should thus be bound up together in a single clause. The two are the very foundation stones of a free legislative body. The House is not even required by the Constitution to choose its Speaker from its own membership, although with not a single exception this has been done. The early practise, dating from the First Congress, has become a part of the unwritten law of the republic.

It was perceived at the outset that in a body like the House of Representatives the orderly conduct of the government's business affairs would be impossible without powerful restraints upon the individual, imposed by the Members themselves in subconscious appreciation of the defects in a legislative system the whole tendency of which is to excite the strongest of human passions at the very moment when the exercise of calm judgment is most essential. Hence the

interposition of stabilizing authority between themselves individually and the constitutional power vested in them collectively became a necessity.

According to the language of the Constitution "each House *may* determine the rules of its proceedings." The delegated powers granted to Congress under Section VIII are not merely power conferred, but they are obligations laid upon Congress, the designation of acts which must be performed. Obviously, if Congress declined to exercise the power to "lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States," the government would cease to function; it could not exist. These delegated powers, therefore are not merely privileges, which Congress may exercise if it wishes, or decline to exercise if it so desires, but are sacred duties imposed upon Congress.

It is clear, first that the wording of the clause which states that each House "may" determine the rules of its procedure is such as to give to the word "may" the meaning of "shall"; and second that the powers and duties of Congress are inseparable; that the obligation to raise money and pay the debts of the nation could not be avoided, and that, therefore, no Congress could justify itself before the people for inability to function which had rendered itself incapable of functioning through failure to avail itself of the constitutional authority to provide for its orderly management such rules as might be necessary to the full discharge of its duties.

For about one hundred and twenty years in nearly every successive Congress the House of Representa-

tives scrupulously observed its constitutional obligation, and changed its rules from time to time, strengthening and fortifying them to meet the exigencies presented by the expansion of the House from a body of sixty-five members, to the greatest parliamentary assembly on earth, with a membership of four hundred thirty-five, legislating for more than a hundred millions of people. Of no Congress which failed to provide adequately for the "general welfare" of the nation in consequence of the adoption of imperfect rules, could it be said that it functioned in accordance with the mandate of the Constitution. Hence it follows that of no Congress which, through the inadequacy of rules, permitted any of the legislative functions of government to be exercised, openly or covertly, by the Executive, could it be said that it had not subverted Section 1 of Article I of the Constitution. A weakening of the rules of the House of Representatives which would permit this would be subversive of the Constitution. For about a century and a quarter, under many Speakers and various leaders of different parties, the House consistently maintained this supreme right to carry out the injunction of the Constitution, and the story of the legislative struggles of Senate and House, the battles fought for principles and policies of party which laid the groundwork of the great structure which the Union has become is the history of the development of leadership in Congress.

To enable Congress to meet its constitutional obligations a strong leadership was essential. This became increasingly evident as the partisanship which had first shown itself in the convention of 1787 suc-

ceased the era of harmony which, broadly speaking, was co-existent with the period in which the great founders of the republic held the principal positions of trust and honor under the government. Thus the power of the speakership developed as a necessity of party government. X

The first distinguished exponent in the House of the theory of government through party was Henry Clay, the only man ever elected Speaker on the day of his first entrance, the only one whose whole service—six terms, five of them consecutive—was in the Chair, and the only Member of the House ever to rise to that high office other than by virtue of conspicuous service in that body. Mr. Clay was not the leader of a party because he was Speaker, a circumstance which has been true with respect to some Speakers, but was made Speaker because he was the recognized exponent of an idea, a man who had been twice in the Senate before he entered the lower House. The speakership of Henry Clay, from the Twelfth to the Sixteenth Congress, inclusive, and in the Eighteenth Congress, largely strengthened the precedent which made the Speaker of the House a dominant figure in party and his office second only to the presidency in power and prestige, a fact which was to become of transcendent importance to the maintenance of the constitutional theory of a balanced government, and the preservation unimpaired of those special prerogatives, with respect to taxation and the power of impeachment, deliberately lodged by the Constitution in that body springing directly from the people, and responsible every second year to the people. A century of weak and inadequate leadership in the House of Represen- X

* tatives, under the peculiar American system, and under rules of procedure destructive of those elements essential to the preservation of privileges, almost certainly would have resulted in a pronounced encroachment of the Senate upon the House, and the aggrandizement of the presidency at the expense of both. The political instincts of the American people, in the era before the introduction of foreign influences, saved them for more than a century from such a perversion of the fundamental theory of representative government under a party system. Repeated attacks upon the power of the Speaker of the House of Representatives served only to strengthen and fortify the office which he held.

These assaults upon the essential powers of the speakership began as early as 1806, in the Ninth Congress, of which Nathaniel Macon was Speaker, when Representative Willis Alston, Jr., of North Carolina, the Speaker's own state, proposed that members of committees be chosen by ballot. In this, the first recorded instance of an attempt to take from the Speaker the great source of his power, the motion was defeated by the close vote of forty-four to forty-two. The following year the proposition was again advanced, and was again rejected, yeas twenty-four, nays eighty-seven, the argument against it being that in the selection of committees by ballot "there was no responsibility, such as a Speaker felt," and that a House with many new Members could not ballot intelligently.

During the first session of the Eleventh Congress, in 1809, a similar attempt was once more made, and once again the House refused to weaken the essential

powers of the speakership: Henry Clay took up the responsible duties of that office, for which he was admirably fitted by experience, ambition and temperament, with the unimpaired power of naming the committees firmly in his hands. In 1813 Mr. Cyrus King, of Massachusetts, presented a proposition for the choice of the Committee on Elections by lot, but after the constitutional power of the House to adopt such a rule had been challenged, the proposal was defeated.* Thirty-six years were to pass before another important precedent was to be established confirming the great power of the Speaker.

Mr. Clay had drawn his ideals and his conceptions of government from the uncontaminated springs of inspiration in the hearts of the common people. He had been the Speaker of the Kentucky House. He knew the powers, the responsibilities and the opportunities of that office. In Washington he became a guiding spirit in those movements through which parties made manifest their aims and aspirations.

Except it be the sword there is no power so jealously guarded by Congress, and particularly by the House of Representatives, as the purse. The supreme control of the Federal Treasury by the popular branch of the legislative body is guaranteed by the Constitution. Mr. Clay contributed greatly to the development of that function as a weapon of legislative defense against the Executive, and the impulses set in motion in his day continued for a century to be among the most powerful factors influencing the mental processes of Congress. His interpretation of the Constitution was conservative, but not narrow. In one of the

*Hinds' *Precedents*, Section 4448.

first political controversies which agitated the new republic and led to the tightening of party lines, the internal development of the country proved a question upon which there were to be remarkable reactions in political opinion, down to the present time. Mr. Clay took a position upholding the right of the federal government, under the Constitution, to carry out great national improvement projects. On this issue those who opposed the strict constructionists' theory of states' rights found a firm footing, and a fundamental cause of party conflict was emphasized. Mr. Clay urged upon the House the propriety of retaining the great power vested in Congress, did not hesitate to take issue with so formidable an authority on the Constitution as Madison, and taking the floor delivered an address which contains in their essence all the arguments, including the protective theory, which were later to be employed in the justification of the extension of the federal power.*

"That there are two classes of powers in the Constitution," said Clay, "I believe has never been controverted by an American politician. We cannot foresee and provide specifically for all contingencies. Man and his language are both imperfect. Hence the existence of construction and of constructive powers. ~~Hence also the rule that a grant of the end is a grant of the means.~~ If you amend the Constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old Confederation, and

In the House, March 18, 1818.

finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And I think, with great deference to the gentlemen on the other side, this is the danger to which their principles directly tend. The other danger, that of consolidation, is, by the assumption of powers not granted nor incident to granted powers, or the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798-9. For instance, that in direct contradiction to a prohibitory clause of the Constitution, a sedition act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions of the Constitution. It was by such measures that the Federal party, if parties might be named, throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, I think it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of the country, as I believe, would never have occurred."

Mr. Clay held tenaciously to the theory that Congress has paramount power to the President, and that theory, which colored all the influences which he was to exert upon Congress and the country, as Speaker, and as Senator, became in the end one of the subconscious convictions of Congress down to the present day, a conviction which has been one of the strongest forces at work in the various reactions of Congress and the Executive upon each other, under varying conditions of public peril and confusion of public mind.

In 1811 Mr. Clay came to the speakership as a result of the first of the significant "insurgent" movements within parties which have, from time to time, down to the present day, exerted such a determining influence upon political tendencies. The Tenth and Eleventh Congresses had brought a large part of the country to a state of wrath. In an effort to avoid war with Great Britain the Embargo and Non-Inter-course Act had been first adopted and then abandoned. There was no sense of direction in the administration and a split occurred in the Jefferson party, which witnessed the rise to power of a new element of strength in the nation.

Like other revolts within American parties the insurgency of 1810 was a western movement. Its exponents demanded a firm government at Washington, and war with England. The West was coming into power with all the aggressive qualities, all the freshness of inspiration, all the courage of convictions, which have characterized the whole western impulse in the United States. The western idealists of 1810 had vision, imagination and faith, and they were not afraid. They visualized an empire beyond the Alleghanies, at a time when the young republic was still huddled on the Atlantic seaboard, looking toward the Old World. Conscious of their own destiny, the western insurgents of 1810 saw that there could be no development west of the mountains until the Indian question had been settled, and the Indian question was one to be settled, not with the savages, but with England. They did not shrink, even, from the contemplation of the conquest of Canada. From the Ohio Valley they could glimpse the very Pole itself.

In the elections of 1810 the war faction swept the country, and it was a new House which assembled when the Twelfth Congress began its sessions on November 4, 1811. "The young warhawks and Indian fighters with only a skirmish were able to seize the speakership for Representative Clay on his first day of service."*

Clay then organized the House to enable him to carry out the will of the new faction which had come into power. He named the committees, and appointed his principal lieutenants on Foreign Relations, Calhoun and Grundy, and Peter B. Porter, of New York, afterward Secretary of War, whom he made chairman. On November twenty-ninth the committee made a report giving their opinion in favor of war, and recommended a warlike policy. "On March fifteenth Speaker Clay laid before the administration a program†—an embargo of thirty days, then a declaration of war, and provision for the acceptance of ten thousand volunteers on short enlistments, and gave them to understand that although a declaration of war lay within the Constitutional powers of Congress, yet the administration was expected to take the responsibility of recommending it. Madison, though willing to make another attempt at peaceful settlement, by a special mission, was forced by the warhawks to give it up, and accepting Clay's program, on April first recommended an embargo of sixty days, which by the peace men was extended to ninety. . . . And on June first was sent in the war message."

Clay had lifted the speakership of the House to a

**American Historical Association*, 1911, Vol. I, p. 173.

†*Ibid.*, p. 175.

38 THE LEADERSHIP OF CONGRESS

point of new power and responsibility, the Speaker to a place in the state where, backed by the party organization behind him, he could present to the President a program determining a national policy and involving a declaration of war. At a conference between the President and a delegation from the House, Mr. Clay brought to bear upon Mr. Madison, not upon the floor of Congress, not from the Speaker's Chair, but in the White House, the influence of his great office in an appeal to arms, against the pacifist sentiment of the President and most of the Cabinet. The conference of congressional leaders with the President was recognized as an extra-constitutional medium of communication between the executive and the legislative branch of the government, not to enable the President to influence Congress, but to permit Congress informally to advise the Executive of a program and a policy determined upon at the Capitol.

CHAPTER III

GOVERNMENT BY PARTY

IN THE development of his functions as the leader of the Whig party, Mr. Speaker Clay was an active aggressor in the first of the four significant conflicts between Congress and the Executive, in the cases of Andrew Jackson, Andrew Johnson, Theodore Roosevelt and Woodrow Wilson, all of which were themselves reactionary, and all of which set in motion forces whose subsequent reactions will influence American political history for many years. In each instance the primitive instincts of fear and selfishness; conflicting personal ambitions; thwarted hopes, and animosities growing into deadly hatreds, were woven into the very warp of the fabric of governmental policies, fixing and determining principles of powerful political parties, and giving direction to strong tendencies of thought.

The emergence into public life of Andrew Jackson from the battlefields where his exploits inflamed the imagination of the country, brought him upon the stage of politics at a moment when the leading actors of the day had reached the climax of the drama in which they were rival stars. Clay, Calhoun and Webster, the most romantic adventurers in the history of American statesmanship, the three musketeers of politics, destroyed themselves in their efforts to

destroy Jackson, who wrecked the Whig party as Jefferson had wrecked the Federalists. Banded together in a common effort to overthrow the man who, through himself and his friends, barred their way to the presidency, and disloyal to one another by force of the very circumstances which made their allegiance necessary to the accomplishment of their objective, they left behind them as the heritage of ruined hopes, potential political energies which have not even yet become exhausted. Their final triumph came, when they were in their graves, not because they had not failed, for they had, but because, in the end, democracy in America could not survive negro slavery.

It was an era of luxuriant growth of democratic principles, one of the most significant of the formative periods in American history, during which were set in motion those forces whose reactions were to have a determining influence in the preservation of the Union, the development of federal authority, the economic expansion of the nation, and the relationships between government and business. The struggle between President Jackson and the United States Bank and the triumvirate of political giants who supported it in Congress, and the impeachment of President Johnson, which was a reaction from the Jackson contest, are psychologically the supreme facts in American political history.

The Jackson contest was a trial of strength between the government and business. From it were to come the anti-trust laws, government regulation of the railroads and their earnings, and numerous statutes of this character.

Mr. Clay's leadership was so largely personal that

when he left the House of Representatives he transferred it to the Senate. Both Houses were friendly to the Bank, although in the House Andrew Stevenson, of Virginia, the Speaker, was against it. The struggle approached a crisis on the eve of the presidential election, in which Clay was to be defeated by Jackson. The President's lieutenants decided to force the Bank on the defensive in the Senate, and it was determined to initiate in the House an investigation by a committee of that body, as provided for in the Bank charter. It was a "Jackson" House, by a small majority, but the Bank's influence was potent.

On February 23, 1832, Mr. Augustin S. Clayton, of Georgia, made a motion that a select committee be *appointed* to conduct the inquiry.* The supporters of the Bank made a determined resistance, and on March seventh Mr. Erastus Root, of New York, moved to amend the resolution so that the committee should be chosen by ballot, so as to take the appointment of its members out of the hands of the Speaker, "who, following the parliamentary rule," as Mr. Benton says, "would select a majority of Members favorable to inquiry, and in the vote by ballot, the Bank, having a majority in the House, could reverse the parliamentary rule, and give to the institution a committee to shield instead of to probe it.† Unbecoming, and even suspicious to the institution itself as this proposition was, it came within a tie vote of passing, and was only lost by the casting vote of the Speaker."

There is a shade of error in this last statement by Mr. Benton, and an erroneous inference might be

**Journal*, Twenty-Second Congress, first session, p. 402.

†*Thirty Years' View*, Vol. I, p. 239.

drawn from it. Mr. Root's amendment was lost, on March eighth, yeas eighty-eight, nays ninety-two. But on the following day the House reconsidered this vote, ninety-eight to ninety-three—the lobby of the Bank swarming through the Capitol corridors must have been unusually active—and on March thirteenth the question was again taken on the proposition to appoint the committee by ballot, and this time the vote was a tie, yeas one hundred, nays one hundred. And so the amendment was lost. And “thereupon the Speaker voted with the nays,”* although, explains Mr. Hinds, in a foot-note, “this was unnecessary.”

Thus it will be seen that this was not a case in which a Speaker of the House saved a situation of vital concern to the administration of which he was a part, the President, and the party, through his single vote cast as an individual Member of the House, but one in which that situation was saved through the mighty power of the speakership, vested with the right to recognize and the appointment of all committees, controlling the organization of the House, and supported by that organization. It was this tremendous force and influence in the House which went to grips with the United States Bank, an institution which had all but dominated the government, and which between March ninth, when the House had voted with the Bank, and March thirteenth, brought back to the support of the President, through the Speaker, a vote sufficient to sustain the administration and to confirm the power of the Speaker to appoint committees.

On the day following the final determination of

*Hinds' *Precedents*, Section 4474; Vol. IV, p. 899.

this memorable contest, which added so much distinction to the House of Representatives, the Clayton Resolution was adopted, the Speaker named the committee, Mr. Clayton was appointed as its chairman, an investigation was made, and on May first a majority report, unfriendly to the Bank, was submitted to the House. Not only was the Jackson administration sustained, but the President had demonstrated the control of his party in the House, while another precedent had been added to the long list of those instances in which the House of Representatives declined to infringe upon the essential powers of the speakership in order to achieve a temporary advantage. The most formidable financial power in America, to whose influences Senators and Members of the House were peculiarly susceptible, had failed to seduce the House into a destruction of its own vitality.

Jackson's annihilation of the United States Bank and the public men who joined their fortunes with it exerted a significant psychological influence upon subsequent political tendencies. The extraordinary use of the executive authority which he was compelled to employ to carry out his determination with respect to the Bank in the face of the opposition of singularly strong, resourceful and ambitious men, gave to his opponents argumentative weapons the employment of which did much to implant in the congressional mind a deep fear of executive encroachment, while arousing in the country a counter-emotion of admiration for presidential power. The jealousy with which Congress had regarded its constitutional prerogative with respect to the public money and the

army was intensified. The power of Congress over the Treasury had been regarded as absolute until Jackson successfully challenged it.

On September 23, 1833, President Jackson removed the Secretary of the Treasury from office. With respect to the administration's bank policy Mr. Duane's mind went along with his no more willingly than was Mr. Stanton's to go along with Andrew Johnson's, or Mr. Lansing's with Woodrow Wilson's. The President appointed Roger B. Taney to the vacated post, and the latter promptly removed the deposits of the public money in the United States Bank, and thereby precipitated a situation whose consequences have exerted important influences upon American politics since that time.

Mr. Clay's exaggerated portrayal of this exercise of the powers of the presidency implanted in the minds of the people a fear and a suspicion of those high in office, which, while it did not serve to impair the unprecedented confidence reposed in Andrew Jackson by the masses, has had its reflexes in all subsequent political controversy growing out of conflict between the legislative and the executive branches of the federal government. This was a period of intense political reactions, marked by striking phenomena in the disintegration of opinion, radical changes in thought, the breaking down of convictions which had long endured. Calhoun and Webster reversed themselves on the tariff, the South became wedded to the principles of free trade, and free-trade New England embraced protection.

The assaults upon Jackson, led by the most bril-

liant triumvirate which perhaps has ever appeared upon the political stage of this country, tended to intensify partisanship and prove the theory of majority rule. The Democratic party became a worshiper of Jackson, whose domination was absolute, and a Democratic Congress learned to obey the will of a masterful Executive, and in this obedience powerfully influenced Democratic political character. The triumph of Jackson crystallized into rigid principles of party creed the theories which had been born in the heat and bitterness of political struggle. In the House of Representatives the speakership was strengthened at the expense of the individual Member, who subordinated himself to the general party interest.

Clay denied that the President had any power over the Treasury under the Constitution. He denounced the removal of the deposits and declared that the country was in the midst of a revolution, "rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man." In a speech* in which were raised constitutional questions which were to influence profoundly American political judgment, to accelerate the processes which tended to the creation of sharply-drawn distinctions between parties, whose reactions at a later period were to make themselves felt in the passion of war and reconstruction, Mr. Clay analyzed and propounded a doctrine which had had its inception in the beginnings of the government, but which he made into a party creed, covering issues far more compre-

*In the Senate, December 26, 1833.

hensive and vital than the executive act in removing a member of the Cabinet.

"The Treasury department," said Mr. Clay, "is placed by law on a different footing from all the other departments, which are, in the acts creating them, denominated executive, and placed under the direction of the President. The Treasury department, on the contrary, is organized on totally different principles. Except the appointment of the officers, with the co-operation of the Senate, and the power which is exercised of removing them, the President has neither by the Constitution nor the law creating the department, anything to do with it. The Secretary's reports and responsibility are directly to Congress."

In the same speech Mr. Clay took the position that no powers could be exercised under the structure of the American government "but such as are expressly delegated, and those which are necessary to carry them into effect. These several powers with us," he said, "whatever they may be elsewhere, are just what the Constitution has made them, and nothing more."

In a later speech, at another period,* he said: "The powers of the British Parliament are unlimited, and are often described to be omnipotent. The powers of the American Congress, on the contrary, are few, cautiously limited, scrupulously excluding all that are not granted." In the following year Mr. Clay analyzed the situation as he then saw it, as between the legislative and executive branches of the government, declaring that the source of legislative power was no longer to be found in the Capitol, but in the "palace of the President."

*In the Senate, February 7, 1839.

"There were other points of difference between the Federalists and the Democratic, or rather, Republican party of 1798," said Mr. Clay on this occasion,* "but the great, leading, prominent discrimination between them related to the constitution of the executive department of the government. The Federalists believed that in its structure it was too weak, and was in danger of being crushed by the preponderating weight of the legislative branch. Hence they rallied around the Executive, and sought to give to it strength and energy. A strong government, an energetic Executive was, among them, the common language and the great object of that day. The Republicans on the contrary believed that the real danger lay on the side of the Executive; that having a continuous and uninterrupted existence, it was always on the alert, ready to defend the power it had, and prompt in acquiring more; and that the experience of history demonstrated that it was the encroaching and usurping department. They therefore rallied around the people in the legislature.

"What are the positions of the two great parties of the present day? Modern democracy has reduced the federal theory of a strong and energetic Executive to practical operation. It has turned from the people, the natural ally of *genuine* democracy, to the Executive, and, instead of vigilance, jealousy and distrust, has given to that department all its confidence, and made to it a virtual surrender of all the powers of government. The recognized maxim of royal infallibility is transplanted from the British monarchy into modern American democracy, and the President

*Speech at Taylorsville, Virginia, July 10, 1840.

can do no wrong. This new school adopts, modifies, changes, renounces, renews opinions at the pleasure of the Executive. Is the Bank of the United States a useful and valuable institution? Yes, unanimously, pronounces the Democratic legislature of Pennsylvania. The President vetoes it as a pernicious and dangerous establishment. The Democratic majority in the same legislature pronounce it to be pernicious and dangerous. The Democratic majority of the House of Representatives of the United States declare the deposits of the public money in the Bank of the United States to be safe. The President says they are unsafe, and removes them. The Democracy say they are unsafe, and approve the removal. The President says that a scheme of a Sub-Treasury is revolutionary and disorganizing. The Democracy say it is revolutionary and disorganizing. The President says it is wise and salutary. The Democracy say it is wise and salutary."

This analysis of the psychology of the Democratic party of Jackson's period is that of a prejudiced contemporary, but the characteristics thus limned by a master politician of singularly subtle qualities of mind are easily recognized, for they are those of the Democratic party of Mr. Wilson.

"The Whigs of 1840," said Mr. Clay, "stand where the Republicans of 1798 stood, and where the Whigs of the Revolution were, battling for liberty, for the people, for free institutions, against power, against corruption, against executive encroachments, against monarchy."

It was in this speech that Clay declared that the first object of the new administration should be to

circumscribe the executive power, and he recommended that there should be, either by amendment of the Constitution, or by "remedial legislation": first, a provision to render a person ineligible to the office of President of the United States after a service of one term; second, that the veto power should be more precisely defined, and subjected to further limitations and qualifications; third, that the power of dismissal from office should be restricted, and the exercise of it rendered responsible; fourth, that the control over the Treasury of the United States should be confided and confined exclusively to Congress; fifth, that the appointment of Members of Congress to any office, or any but a few specific offices, during their continuance in office, and for one year thereafter, be prohibited.

Long after the struggle between Andrew Jackson and the "money power" of 1832 had passed into history, when new generations with problems of their own, slavery and civil war, and the economic development of a continent, had been born and had grown to maturity, and had then passed on, the instinctive fear of executive usurpation of power which had been aroused in this stupendous contest remained in the subconsciousness of Congress, there to influence the thoughts and actions of that institution, which, during the passing of a century, came to have in the composite of its records of achievement, its traditions, its unwritten laws, a group-mind as susceptible to intangible psychic influence as the mind of an individual.

The House of Representatives, with its constantly shifting membership, witnessing the rise and decline of great leaders, absorbing each year new blood, and

constitutionally designed to prevent perpetuity and continuity, developed, nevertheless, all the attributes of permanent individual entity. The precepts of its youth, the vivid impressions of its brilliant political childhood, recurred unconsciously to mind in the days of its greater maturity, and became powerful factors in influencing constructive legislative conduct. It developed a code of ethics, a spirituality, a political morality. It functioned successfully when it was faithful to its principles of political honor, and failed when it sacrificed its inherent integrity to expediency. Such violations of its own ethics left indelible scars on the parties which perpetrated them. The periods which marked the greatest distinction of the House of Representatives in the service of democratic government were those in which the codes of partisanship were most strictly adhered to. ~~For~~ partisanship meant in its essence the sacrifice of personal selfishness to the general welfare; and impotency, subserviency and instability characterized those periods in which political morality was at its lowest ebb. The House was to reach heights of glory and splendor, and to sink into political degeneracy, as it was guided by or deviated from the principles upon which its greatness had been founded. There is no instance, great or small, in the record of its achievements, of a creditable act of the House which did not spring from the force of political morality; there is no failure in the record which can not be explained upon the hypothesis of its inoperation. The moral and spiritual qualities of the House of Representatives—of Congress—are as essentially human as those of an individual;

X

inferior to the House of Representatives

and it is governed by the same laws to which the individual responds.

Since by the very genius of its structure, in conformity with the inspired work of those who wrote the Constitution, the House could not function with political integrity except through the power of concerted action, partisanship became moral, [and there was developed a theory of government founded on conviction, party and majority rule.] //

Thus the two-party system grew out of the fundamental structure of the Constitution, the plan of which provides for a government which can be administered only under a two-party form. Experience demonstrated to the wisdom of Congress that no other plan of government is possible under the Constitution, for which reason there has never been a major third party in the United States, and can never be. There may be new parties to replace those which disintegrate through unfaithfulness to ideals, or in consequence of moral weakness; but invariably the new party has either supplanted the old, or fallen into decay after fruitless effort to maintain itself. ?!

Under the American scheme there have always been two parties, the party supporting the administrative officers of the government, and the party which the genius of the Constitution tends to create in opposition to that administration. In accordance with this formula the two-party system was perfected.

The Constitution makes no provision for a parliamentary minister. Of that European office there is no equivalent under the American system, the basic principle of which is a strict separation of the execu- //

tive and legislative functions; and the inflexible determination of the Congress to resist any tendency within the system toward the development of any authority exercising, or attempting to exercise, the functions of both, has been one of the marked characteristics of the legislative branch of the government. ~~Without the subversion of the Constitution,~~ coalition government in the United States would mean political chaos, legislation through the medium of minorities actuated by selfishness and acting without responsibility, inefficiency in the business of government, and in the end corruption.

Perceiving a possible danger to the security and stability of legislative government, the House of Representatives, the body peculiarly the bulwark of popular liberty, put itself in a posture of defense to meet its two deadliest enemies, fortifying itself on the one hand against the possible encroachment of the Executive, from an instinctive fear of despotism, and on the other against forces within its own membership likely under exceptional circumstances to seek the destruction of the party system for the sake of immediate selfish interest, as a thoughtless boy might fell a splendid tree to obtain a kite caught in its branches.

Thus the maintenance of the supremacy of the legislative branch of the government became unconsciously, and under varying circumstances, the instinctive motive of the House. Majority rule through the power of the speakership, and the preservation of party, were the means to an end, and the acts essential to the defense and preservation of them came to be regarded as measures of self-defense.

CHAPTER IV

THE INEVITABLE CONFLICT

THE House which met on the eve of the Civil War was the first rallying point of the northern people, who saw the noble structure of the Union about to crumble. In that Congress, the Thirty-Fourth, Schuyler Colfax, who was to become a war Speaker, made his first appearance in the House, and took part in the struggle there over the slavery issue, which had then, as it had before, a direct bearing upon the speakership and the organization of the House.

Nathaniel P. Banks, of Massachusetts, was finally elected Speaker, February 2, 1856, after a contest of two months, during which period the House sat without a Speaker and without rules, presided over by the clerk of the previous House. Mr. Banks was chosen under a special plurality rule, on the one hundred thirty-third ballot. The Republican party, in a contest for the second office under the government, had won its first triumph on a national field. Public opinion, reflected in the House of Representatives, had rebuked the action of those who had forced the repeal of the Missouri Compromise, and Mr. Buchanan's nomination for the presidency was brought about as a matter of political expediency.

◀ The struggle which ensued during the extra session of this Congress over the army bill, to which the House

had added a proviso that the army "should not be used to enforce the Border-Ruffian Code," was cited by Mr. Colfax as marking "the first time in the history of the country that the representatives of the people dared to stand out against a President and Senate," although the House was beaten in the end. The position thus taken by the House was a hard blow at the administration.

President Buchanan transmitted to the following Congress a message urging the admission of Kansas under the pro-slavery Lecompton Constitution, and a parliamentary struggle between the executive and the legislative branch of the government occurred when Mr. Speaker Orr, exercising that power which had come down to him from the fountain-head of American parliamentary freedom, appointed a majority favorable to it as members of a special committee of fifteen, which was authorized to make an investigation. The committee refused to investigate. But although the Lecompton Bill passed the Senate, sustained as it was by the Dred Scott decision, which had just been rendered by the Supreme Court, the administration could not force its passage by the House, and was obliged to accept amendments which finally resulted in its rejection by the people of Kansas. It was a striking illustration of the fact that despite its vast power the leadership of the House of Representatives, under the old system, was subject to the influence of public opinion.

Mr. Colfax came to the speakership during the late Civil War period, and for three successive Congresses presided over Houses of exceptional ability, and charged with responsibilities such as had not devolved

upon any House up to that time. The speakership was dedicated to the support of President Lincoln, and the constructive policies of his second administration. "The political advantages and power of the position were never used with greater effect or with more sagacity, nor were they ever directed to the accomplishment of nobler ends." After Lincoln's death no man spoke with more authority than Speaker Colfax; no man did more, in and out of the House, to initiate, develop, guide, and carry to success the policy that funded in the organic law the costly fruits of the Civil War."

Mr. Colfax organized the committees of the House "to his own satisfaction,† untrammelled by pledges to persons, but, of course, with the necessary reference to considerations of locality and of the prior positions held by re-elected members." He used to the greatest possible extent under the rules the great powers of his office.

It was through the agency of party discipline that President Lincoln's proposed amendment to the Constitution, abolishing slavery throughout the United States, which had passed the Senate but had failed in the House at the previous session, was finally put through that body. The Speaker and the organization, headed by Thaddeus Stevens, of Pennsylvania, chairman of the Committee on Ways and Means, kept the House functioning behind the President. Colfax was described by a contemporary as "the embodiment of the war policy of the government." There was the spirit of revolt, of insurgency against the President

**Life of Schuyler Colfax*, by O. J. Hollister, p. 216.

†*Ibid.*, p. 218.

and against the cause of the war, in that Congress, and but for the great power which the rules vested in the Speaker, measures of vital importance to the support of the war might have been jeopardized. As late as the eighth of April, 1864, the rebellion was defended on the floor in a speech by a Member from Ohio, Mr. Alexander Long, and the next day the Speaker took the floor and offered a resolution for his expulsion. This was later amended, and became a resolution of severe censure, which was adopted. The House was frequently the scene of sessions marked by violence and disorder. A strong hand was essential to its control, if the machinery of the government, which was engaged in a life and death struggle, was to be kept in motion.

"The Speaker is not only the autocrat of this popular body, he is himself the practical embodiment of the majority,"* says a biographer of Mr. Speaker Colfax, describing the powers of the office which he held. "His functions are not showy; his influence is largely subtle, indirect, judicial; his is no place for the striking qualities of the leader of debate on the floor; but he has more practical power, and can more directly and profoundly influence affairs, particularly in stormy times, than any other officer of the government. He distributes absolutely the legislative power of the House, which is lodged in committees. He controls the floor, assigning to it what measures he pleases, promoting this, obstructing that, at his pleasure. He appoints conference committees on the part of the House, and as to most important legislation, conference committees ultimately decide what shall or shall not be enacted. He directly affects the career of the

**Life of Schuyler Colfax*, by O. J. Hollister, p. 215.

Representatives, as he brings them forward or keeps them in the background. Aside from certain rules which he construes for himself, there is no restriction on him save his conscience and *his accountability to public opinion*. With capacity and character equal to the demands and opportunities of the position, the Speaker's private or personal influence is almost unbounded. To meet the just expectations of public opinion, he must be a very capable and high-minded man. He must organize the committees so as to give full and easy expression and effect to the policy of the country through the House, and his personal influence must be directed to securing unity of thought and purpose. In doing this, he will have made the best and only legitimate use of his political power."

During this administration the Speaker of the House was in the close confidence of the President, and "Mr. Lincoln rarely took any step affecting the interests of the nation without making known his intentions to and consulting with Mr. Colfax, in whose judgment he placed the utmost confidence," wrote one of the biographers of Lincoln. There was, under his leadership, close cooperation between the House of Representatives and the White House. He directed the House in conformity with a policy sustained by that public opinion to which, in the last analysis, the Speaker of the House must conform, not as a majority leader and the national spokesman of a political party, but as a Representative in Congress, responsible in that capacity to the constituency of a single congressional district, and compelled to submit his record to its judgment every second year. The American Speaker, therefore, is in no sense a Premier, holding

his place at the head of a party by virtue of control of a majority in the House, but a party leader at the pleasure of the voters of his own congressional district. It is this fact which gave to the American speakership a special character in harmony with the peculiar American theory of representative government.

Another tremendous and momentous conflict between the executive and the legislative branch of the government was impending as Lincoln died. It was destined to be a contest which was to be influenced largely by the traditions of the past, from which the House was to draw inspiration, and which was itself to set in motion forces which in later days were to influence the relationships between the President and Congress.

Andrew Johnson was starting upon that course of policy toward the South which eventually was to lead to his indictment by the House and his arraignment at the bar of the Senate. The country turned instinctively to the House for leadership when Mr. Lincoln was gone.

Mr. Colfax, in an address in Washington on November 18, 1865, just prior to the assembling of the Thirty-Ninth Congress, of which it was certain he would be elected Speaker of the House, boldly enunciated the policy of the federal government toward the Southern States, without regard to what the program of the President might be. He took a stand against the admission to Congress of former Confederates, declaring that reconstruction must precede their restoration to their original standing in the Union, and challenging his associates to reelect him on this platform, or to repudiate him. In this declaration of prin-

ciple Mr. Colfax voiced well-nigh the unanimous opinion of the North. The speech was declared to be a most significant utterance. It was made deliberately, to inform the people of the policy contemplated by Congress.

It was not merely a Member of the House, but the man who had been Speaker in the previous Congress, and was certain to be again, who thus took the initiative in outlining a national policy. Mr. Colfax frankly proclaimed the supremacy of Congress to the Executive as a fact, as Clay had proclaimed it in Jackson's time as a principle. Few incidents of greater psychological significance are recorded in the annals of American political history. The freedom of the House of Representatives from all executive restraint in the initiation of legislation through which policies of the government were to be determined was enunciated as a doctrine of political faith. The House acquired a new confidence in itself, a warming pride, and a deeper consciousness of majesty and dignity as the citadel of constitutional liberty. It was in some respects the most significant moment in the long history of Anglo-Saxon progress toward the perfection of the popular assembly as the seat of public rights since John Pym had assumed the leadership of the Long Parliament in 1640.

The leadership in the House, of which Colfax was the head, saw as Pym had seen "that as an element of constitutional life parliament was of higher value than the crown." In the contest which was to come with President Johnson the House wrote this conception of its peculiar value upon its inner consciousness, and by it was to be guided consciously and subconsciously in

the subsequent relations with the presidency. It was a contest in which the House took the initiative and forced the issue.

Without the experience which had come from the struggle between Andrew Jackson, and the United States Bank and its supporters in Congress, without the fears which that lesson in the power of the Executive had engendered, the contest with Andrew Johnson had been postponed until it had been too late. Jackson had carried his fight boldly to Congress. He had forced his will upon Congress, and in due time a body of Congress had stultified itself by mutilating its own journal at the demand of his friends.

There were cross-currents of emotionalism which actuated the House in the course upon which it now entered. Hatreds had been born of four years of fratricidal war. The Union had been saved, at frightful cost in blood and treasure. The great leader of a people, who had won the war through his steadfast courage and homely trust in God had been struck down at the moment of victory.

Passions were inflamed. The reaction from four years of self-sacrifice, of doubts, despairs and glories, engulfed the minds of men in its powerful undertow. The professional politicians used the opportunity thus cast into their hands to fasten their hold upon the government. Their excesses were without restraint, but with all these confusions of mind ran also an abiding sense of fear for the safety of constitutional government, and the will to preserve it.

Speaker Colfax assumed a responsibility which the whole genius of the American system was exactly designed to repose in his hands. The tremendous sig-

nificance attached to the definition by him of a national policy lay in the fact that there existed within him a power to enable him to carry out the policy enunciated. Coming from a mere presiding officer of the House, a moderator without power or authority, without the force to command support, such an announcement would have carried the importance attaching to the statement of an opinion by any one of the two hundred Members of the House, and no more. Coming from the Speaker, clothed with the prerogatives of his great office, it had the meaning of an ultimatum. Congress served notice upon the President and the country that the work of reconstruction would be in its hands, and its hands alone.

When Congress met southern men from the seceding states, who offered their credentials as members, were excluded from the roll-call. Mr. Colfax was re-elected Speaker by a vote of one hundred thirty-nine to thirty-six, and in his address to the House he once more proclaimed the policy, not of the Johnson administration, which was in fact the administration of Lincoln, but of the government of the United States. It was a moment of magnificence in the splendid history of legislative government in America, not only because of what it then meant, but because of the influence it was to have upon men's minds in the future.

"The rebellion having overthrown constitutional state government in many states," said Mr. Colfax, "*it is yours to mature and enact legislation* which, with the concurrence of the Executive, shall establish them anew on such a basis of enduring justice as will guarantee all necessary safeguards to the people, and

afford what our Magna Charta—the Declaration of Independence—proclaims is the chief object of government—protection to all men in their inalienable rights. The world should witness in this great work, the most inflexible fidelity, the most earnest devotion to the principles of liberty and humanity, the truest patriotism and the wisest statesmanship.”

An important work incident to the reshaping of the standing committees fell to the Speaker. Thaddeus Stevens, then past seventy years of age, in some respects an abler and a stronger man than Colfax, as he was more aggressive and more vindictive, became by the appointing power of the Speaker chairman of the newly created Committee on Appropriations, and Justin S. Morrill, of Vermont, succeeded Mr. Stevens at the head of Ways and Means. Mr. Theodore M. Pomeroy, of New York, was advanced to the chairmanship of the new Committee on Banking and Currency, in one of the most important reorganizations which the House had ever effected in the direction of the centralization of the appropriating power in the hands of a single committee, charged with that function exclusively. The new committee organization gave the House a powerfully entrenched leadership with which to meet the shock of the coming collision with the President. Congress passed the Civil Rights Bill and the Freedmen’s Bureau Bill over the veto, and the adoption of the Fourteenth Amendment followed. In a letter to a friend Mr. Colfax wrote that President Johnson charged him with being the “main cause of the inflexibility of the House.”

◀ The House, in the closing session of the Thirty-Ninth Congress, rose to a supreme height of power in

carrying out the will of the people of the Union who had made their sacrifices of blood to win the war. Colfax, throughout this trying period, and in the Fortieth Congress, when he was again Speaker, was the political leader of a party, the head of its business organization in the House of Representatives, and the spokesman of a moral cause. Under his leadership the House met the attempted encroachments of the Executive, and declared its own interpretation of the laws contrary to the interpretation placed upon them elsewhere.

There had been close cooperation between President Lincoln and Congress. That the strict maintenance of discipline in the House in the interest of party solidarity is not incompatible with the complete and harmonious functioning as between Legislative and Executive was shown in the Civil War years. An immense amount of work was accomplished. Mr. Blaine recalls * that in the Thirty-Seventh Congress, of which Mr. Galusha A. Grow, of Pennsylvania, was Speaker, and whose first session convened on July fourth, and adjourned on August 6, 1861, seventy-six public acts were passed in but twenty-nine working days, many of them long and complex measures relating to the conduct of the war, to finance, and other subjects of great importance. "The spirit with which the President and Congress proceeded in that depressing and depressed period proved invaluable to the country,"† says Mr. Blaine. "The situation had so many elements of a discouraging character that the slightest hesitation or faltering among those controlling the administration

**Twenty Years of Congress*, Vol. I, p. 337.

†*Ibid.*, p. 456.

of the government would have been followed by distrust and dismay among the people." The lessons in effective effort which Congress had learned in working with Lincoln, proved valuable when the conflict with Johnson brought Congress and the President into open warfare.

Yet the beginning of that conflict had been laid in the closing days of the Lincoln administration. It was not a personal contest, although Johnson was disliked by many members of his own party in Congress. It was a struggle between the legislative and the executive branches of the government.

The Senate had dissented, in 1864, in Mr. Sumner's resolution on the Arkansas admission, from the reconstruction policy of President Lincoln. Congress then proceeded to pass a bill, July 4, 1864, embodying the views of that branch on the reconstruction policy it was proposed to pursue.

This action could not be considered as anything but a rebuke to the President for having undertaken the restoration of the Confederate States to the Union without awaiting the initiative of Congress, and there was a considerable sentiment in Congress hostile to the President for an assumption of authority beyond his constitutional power. Mr. Lincoln permitted the bill to die without his signature, and Congress adjourned.

"It must be frankly admitted," says Mr. Blaine, "that Mr. Lincoln's course was in some of its aspects extraordinary. It met with almost unanimous dissent on the part of Republican Members of Congress, and violent opposition from the more radical Members of both Houses. If Congress had been in session at the

time, a very rancorous hostility would have been developed against the President. Fortunately the Senators and Representatives had returned to their states and districts . . . and they found the people united and enthusiastic in Mr. Lincoln's support. No contest was raised, therefore, by the great majority of those who had sustained the bill which the President had refused to approve. The pending struggle for the presidency demanded harmony, and by common consent agitation on the question was abandoned."*

Senator Wade, of Ohio, and Representative Henry Winter Davis, of Maryland, chairmen in Senate and House of the Committees on the Rebellious States, however, united in a public protest against the failure of Mr. Lincoln to acquiesce in the congressional program of reconstruction, and denounced the pocket veto as rash and fatal, a blow at the administration and at the principles of Republican government. "The President was warned that the support of the Republican party was 'of a cause and not of a man,' that the 'authority of Congress is paramount and must be respected,' that the 'whole body of Union men of Congress will not submit to be impeached by him of rash and unconstitutional legislation, that he must confine himself to his executive duties—to obey and execute, not make the laws;' that he must suppress armed rebellion by arms and leave political reorganization to Congress."†

Responsible leaders in Senate and House, in a recess of Congress, and in the midst of a presidential campaign upon which the fate of their party depended,

**Twenty Years of Congress*, Vol. II, p. 43.

†*Ibid.*, p. 44.

did not hesitate thus to express the legislative feeling against the Executive. The President, sustained as he had been by reelection, did not renew the contest, and when Congress passed a joint resolution, declaring certain states not to be entitled to representation in the electoral college, to forestall the possibility of votes being returned from Louisiana and Arkansas, Mr. Lincoln signed it, and sent to Congress the following message, February 8, 1865:*

"The joint resolution entitled 'Joint Resolution declaring certain States not entitled to representation in the electoral college,' has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, have complete power to exclude from counting all electoral votes deemed by them to be illegal, and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere in any way in the matter of canvassing or counting electoral votes, and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution."

In this message of apparent acquiescence lay the germ of bitter controversy between Executive and Legislative, but that controversy was destined to arise between Congress and Andrew Johnson, and not between Congress and Abraham Lincoln. Mr. Johnson

**Messages and Papers of the Presidents*, Vol. VI, p. 260.

was in the White House when the Thirty-Ninth Congress assembled, and it was under altered circumstances that Mr. Speaker Colfax, in his hands the power of that great office, laid down the principle that in the reconstruction of the South Congress, and not the President, should be supreme. On the first day of the session Thaddeus Stevens, Floor Leader of the organization which controlled the House, and of which the Speaker was the head, offered a resolution for the appointment of a special committee to report whether the late Confederate States were entitled to be represented in Congress, and providing that "until such report shall have been made, and finally acted upon by Congress, no member shall be received into either House from any of the so-called Confederate States."

Mr. Stevens at once demanded the previous question. It was a vitally important measure, for here was to be determined the policy of the House which Mr. Colfax had enunciated, and upon which he had been reelected to the Speaker's Chair. Every parliamentary device was used to facilitate its passage, and the leaders either limited debate, or cut it off entirely, so that the resolution was adopted within one hour's time.*

One of the greatest contests between the executive and legislative branches of government in the history of the English-speaking peoples was begun, a contest whose psychological reactions have influenced American politics to the present day. The Republican party turned against its own President, held him up to the scorn, contempt and animosities of the people, and

**History of the Thirty-Ninth Congress*, by William H. Barnes, p. 35.

with the support of the people, who turned from the Executive to Congress in one of those sudden revolutions of popular sentiment of which American history contains other remarkable instances, impeached him and sought his removal from office. Having launched upon a course of opposition upon whose outcome the whole future of Congress depended, appreciating that from such a trial of strength with the Executive the Congress must emerge the victor, or suffer such a weakening of its constitutional power that recovery might be impossible, the House subordinated every other consideration to that of gaining the mastery.

Against Congress was arrayed the presidential strength, well-nigh incomprehensible in its vast scope, fortified by the insidious persuasiveness of patronage, which too often in the past had seduced the representatives of the people to the service of the Executive, a power whose exercise had made the people cynical and skeptical. On the side of the President were "big business," the banks and industry; and in his Cabinet were men who had helped Lincoln to organize the party which had saved the Union, and whose founders were now engaged in civil war among themselves. To meet such formidable force the House increased the power of its leaders by submitting to a parliamentary procedure which all but destroyed the rights of the individual. The moral character of the House of Representatives—not merely that particular House, but the institution—was profoundly affected by the experiences growing out of this struggle, and strongly marked traits left their impress upon its composite mentality, its senses and emotions, whose results have been plainly observable from that time to the present.

That latent fear of the inevitability of eventual battle to the death with executive authority which had existed since the beginning of the government, and had increased in certain types of mind in Jackson's day, was intensified in the heart of the House.

The conflict between Congress and President Johnson was followed by a gradual strengthening of organized leadership in the House, owing in part to the necessity of meeting the exigencies caused by the large increase in membership, and the growing business of the government, but more to the influences springing from the subordination of the individual.

It is of the utmost significance that the House acted, from its own point of view and its own conception of its duty and responsibility, with the highest intelligence. The rupture with the political head of the party in the White House was not followed by a course of weakness and instability. The House functioned. This fidelity to its own idealism, this D'Artagnan spirit which constantly inspired it, was essential to the winning of the victory, which, the contest once begun, the House had to win to survive. This was rendered possible through the power of organized, centralized leadership, and through that power alone. Without that power the House would have suffered a moral and intellectual disintegration which would have rendered it incapable of pursuing a course dependent for its success as much upon consistency as upon determination. Without that cohesive force within itself the individual Members would have gravitated naturally and inevitably to the Executive. "It is to the eminent credit of the Republican Members of Congress that they stood in a crisis of this magnitude true to principle," com-

ments Mr. Blaine, "firm against all the power and all the patronage of the administration. No unmanly efforts to compromise, no weak shrinking from duty, sullied the fame of the great body of Senators and Representatives."* Even the Whig party in 1841, under the leadership of Henry Clay, he points out, had not stood so solidly against John Tyler.

From the passions fanned into flames of hatred and animosity by this death struggle between the congressional and the presidential power, were to flow results influencing the whole future course of the American people, more profoundly than have any acts of the law-making body before or since. The negro was to become not merely a freedman, but a citizen, and his rights were to be guaranteed, not by statutes, but by the Constitution, the amendment of which, in his interest, was to produce a powerful reaction, making the people of the United States the most lawless and the most contemptuous of law of any people on earth. In a large part of the nation at this day the constitutional amendments which were to have established the rights of the black man in the organic law are a dead letter. It can not be doubted that this circumstance is having powerful psychological consequences in the American mind. It remained for constitutional prohibition of intoxicants to disclose the full extent of the American capacity for contempt of the supreme law of the land.

**Twenty Years of Congress*, Vol. II, p. 147.

CHAPTER V

THE RISE OF THE SPEAKERSHIP

THE House of Representatives emerged from its second great contest with the power of the President conscious of its own might, and with a new determination to extend its authority. Although the impeachment of Mr. Johnson had failed, Congress had learned that in the exercise of its constitutional prerogatives its will was superior to that of the Executive, that it not only could make laws for the republic, but determine the policies of government without regard to the opinions of the Executive, and without fear of his enormous privilege of patronage and the reorganization of the executive branches of the government through the removal of officials from office. In the contest the people had supported Congress against the President, whereas in 1832 the people had supported Jackson against Congress.

The House, conscious of its strength, but dreading still the power of the Executive, perceiving the influence of public opinion in all such tests of governmental authority, fortified itself against possible encroachment in the future.

The next period in the development of the House was to be marked by the consolidation of the powers through which the majority, under the two-party American system, controlled the machinery of legisla-

tive government. The reconstruction struggle had taught the value of party discipline. Some of the measures which had been passed over the President's veto were finally enacted only by resort to expedients which had infringed upon the basic rights of the individual. It was the price which the individuals had to pay separately for the advantages they gained collectively.

A new conception of the speakership was born. The office which carried with it responsibility for orderly party government was strengthened, and as the power of the leadership was enhanced the ability of the House to function smoothly and effectively grew very greatly. The period which witnessed the rise of the speakership to its supreme height was characterized by the enactment of constructive legislation incident to and essential to the remarkable economic development of the nation which followed the close of the Civil War.

It was a period of intense activity, of splendid idealism gradually succumbing to materialism, of a national spirituality which was to end in a reaction of sordid commercialism, with the statesman become the servant of the money-changer; and in the end political revolt.

The responsibilities devolving upon Congress in freeing the nation for the expansion and development in the West imposed upon it new duties, and gave to all its tendencies directions until then unknown. Epics as wonderful as those which Homer sings were embodied in the statutes which enabled America to go forward by leaps and bounds into her place of world leadership. This period began with the organization

of the Forty-First Congress, on March 4, 1869, and ended on March 19, 1910.

James G. Blaine had come up from the legislative ranks. He had been Speaker of the House in the Maine legislature. He had been one of the leaders of the Republican organization under Colfax and Stevens. He had been their lieutenant on the floor in the parliamentary battles whereby the will of the House had been made superior to that of the President. He had been a member of the Ways and Means Committee, and of the special Committee of Fifteen which had considered the whole question of reconstruction. The reaction against the high-handed proceedings of the Thirty-Ninth and Fortieth Congresses was already manifest, and the Republican party was developing factions. Ten years later the "Half-Breeds" and the "Stalwarts" were clearly defined and "Stand-Patters" and "Progressives" dimly foreshadowed.

Mr. Blaine, in accordance with the rule whose operation he had observed, had entered the House under forty. He was thirty-nine when he became Speaker, the youngest man to gain that distinction since Henry Clay, who was thirty-four when he first took possession of the gavel. His experience had taught him that there was no place in the House for a weak and inefficient Speaker. The House, in his time, had looked to strong men for leadership.

The business of the country, awakening after the war, throwing off restraints, eager to grasp the beckoning opportunity, required and demanded an able government in Congress. Mr. Blaine maintained his independence, and that of the House, but both the House and the Speaker cooperated with President

Grant, whose administration was to be devoted largely to the restoration of the public credit. "Blaine, at the head of the House, stood squarely by the dominant policy,* and with Garfield for his chairman of the Committee on Ways and Means, pressed forward each measure by which the financial system of the country was ultimately set again on the basis of a coin dollar."

As Speaker he exercised in full the powers of his office. He organized the House, of whose membership of two hundred and forty-three only ninety-eight had served in the previous Congress, a fact which made the creation of the committees by the Speaker of unusual importance in its bearing upon the strength of the Chair. Blaine created the committees as he desired them to be, bearing in mind the party necessity, naming as chairmen tried and trusted men of his own selection, men of proved ability and loyalty, who owed their allegiance to him as the head of the party in the House. Through these lieutenants, occupying every strategic place in the organization, the Speaker controlled the House and made it instantly responsive to the will of the party of which, at this period, he was one of the great leaders, if, indeed, not the greatest leader.

"The speakership of the American House of Representatives," he said in his farewell address to the House in that office, "is a post of honor, of dignity, of power, of responsibility. Its duties are at once complex and continuous; they are both onerous and delicate; *they are performed in the broad light of day, under*

**Life and Work of James G. Blaine*, by John Clark Ridpath, p. 121.

the eye of the whole people, subject at all times to the closest observation, and always attended with the sharpest criticism. I think no other official is held to such instant and such rigid accountability. Parliamentary rulings, in their very nature, are peremptory: almost absolute in authority and instantaneous in effect. They can not always be enforced in such a way as to win applause or secure popularity; but I am sure that no man of any party who is worthy to fill this Chair will ever see a dividing line between duty and policy."

Blaine retired from the Speakership with a prestige that seemed to assure to him advancement to the only office greater than that which he had filled for six years. His leadership of the Republican party in the House had made him the acknowledged head of the party in the country.

In the process of developing the power of the Republican organization in the House, an organization which had observed with misgivings the spectacle of New York State casting its vote for the Democratic candidate for President in the first contest after the close of the war, and against the soldier who had won that war, Mr. Blaine had contributed to the creation of a state of mind which in the end destroyed his hopes. The politician who lives by reaction perishes by reaction, which is as deadly as the sword. The power of the Republican House was to receive one of those checks which the intuitive wisdom of the people prompts them to interpose, from time to time, to prevent too great a disturbance in the balance of government. The Democratic platform of 1868 had denounced the reconstruction acts of the Thirty-Ninth and For-

tieth Congresses as "usurpations, unconstitutional, revolutionary, and void."

Mr. Blaine himself, in the period after his retirement from public life with its heat and passions, sitting down in strangely calm mood to chronicle his observations of the events in whose shaping he had played so conspicuous a part, marveled that in the first presidential canvas following the Civil War "if Mr. Seymour had received the electoral vote of the solid South . . . he would, in connection with the vote he received in the North, have had a majority over General Grant in the Electoral College."* "Considering the time of the election," he adds, "considering the record and the achievements of the rival candidates, the presidential election of 1868 must be regarded as the most remarkable and the most unaccountable in our political annals."

The election of Mr. Cleveland served notice upon northern politicians that the war between the sections was over, that the people were tired of that brand of politics which discouraged, for selfish reasons, the healing processes of time and human charity and friendship, that the "bloody shirt" had lost its appeal to thoughtful men. Mr. Blaine lost New York, and with it the presidency, in consequence of a powerful reaction against the impulses of hatred and revenge which he had himself helped to set in motion, against a power created in Congress which had raised party leadership there to such a degree of strength as to arouse public apprehensions. The people turned instinctively away from Washington to the capital of a state, in the exercise of a function inherent in them under

**Twenty Years of Congress*, Vol. II, p. 408.

the Constitution, through which they are at all times able to restore the perfect balance of the organic law.

This was the psychology of a political situation which doubtless was as incomprehensible to Mr. Blaine, in the excitement of the immediate campaign and the agitation of his mind disturbed by blasted hopes, as had been the "most remarkable and most unaccountable" campaign of 1868; and the inapt alliteration of an irresponsible and inconsequential "spellbinder" of course had nothing whatever to do with the Republican failure to carry in 1884, the highly reactionary, independent and emotional state which Grant had lost sixteen years earlier.


The Democratic party swept the country in the elections of 1874, and Samuel J. Randall, of Pennsylvania, the single outstanding Democratic leader in the House of Representatives in the entire period since the close of the Civil War, became first chairman of the Committee on Appropriations, and afterward the Speaker, at the beginning of the second session of the Forty-Fourth Congress, December 4, 1876. A student of parliamentary law, thoroughly familiar with the rules of the House, and holding the opinion that they should be utilized to check "improvident, passionate, and unconsidered legislation, and to curb the selfishness and injustice of party majorities," he bore his full share of the responsibility "for the stringent rules which were in force during all the later years of his public service."

"He held with Mr. Madison," said Mr. Buckalew,* "that of all the branches of government in a free coun-

*In the House, June 14, 1890, Fifty-First Congress, first session.

try the legislative is most liable to an abuse of its powers, and requires the strongest limitations. Possessing the power to make laws and to change laws, it is stronger than the executive or the judiciary, charged with the subordinate or secondary duty of expounding, applying and enforcing those laws; its members standing free from constitutional impeachment, and the two Houses, from their very constitution, being peculiarly liable to hasty, passionate, impulsive influences, and little fitted to resist them, it follows that there should be strong curbs upon their action besides the executive check of the veto provided for by the Constitution. These were matured views announced by Mr. Madison in his later writings. It is not my business at present to argue this proposition or to defend it, but to state it as the ground of Mr. Randall's position upon so-called 'obstructive rules,' which he assisted to form and uphold, and in the utility and necessity of which he firmly believed."

The most conspicuous service rendered by Mr. Randall, whose great talents of leadership in the Speaker's Chair were exercised in a period when the executive head of the government belonged to a party other than his own, was in the drastic interpretation of the rules of the House to prevent a filibuster and compel the House to abide by the result of the report of the Presidential Electoral Commission, in 1877, thus preventing a disputed succession to the presidency. It was an extraordinary example of the bold use of the enormous powers of the speakership, and illustrates the deep significance of the destruction of such a power in the House, a power which at a time of national peril, was strong enough to hold in check the passions



and animosities of men growing out of the bitterest political contest in American history. Although completion of the electoral count meant certain defeat for Mr. Randall's own party, and although dilatory motions were made from the Democratic side, and supported by the great majority of Democratic members, Mr. Randall "planted himself upon the constitutional mandate that the electoral vote should be counted, and he held the House should not adjourn or transact other business until this high duty should be performed." At a moment when law and order were threatened throughout the country, it was the vast power of the speakership which saved the situation; and there was no other power in the House that could have done it.

Yet it was as leader of the minority, rather than as Speaker, that Mr. Randall displayed the brilliant qualities of mind which lifted him to a place of high distinction among the truly great leaders of the people in Congress. If he had the force of character to prevent the employment of dilatory motions while occupying the Speaker's Chair, he did not scruple to employ them himself when, a member of the minority, his function to resist and not to create, he gave a new meaning to the power of the minority, and his defeat of the Force Bill, in the Forty-Third Congress, Republican by nearly two-thirds, doubtless will long remain the most extraordinary tribute to that great power.

"More than any of our public men," says Mr. McComas, of Maryland, "it was Samuel J. Randall who taught the country and many administrations that the power of appropriation is in Congress, that it is not in the departments . . . " while in the language

of Mr. Breckinridge he "elevated the House of Representatives to its true position," made the House dominate the executive department, restored to the Representatives the power of the purse, and taught all that "the House of Representatives was in fact the people of the United States, and its voice was the voice that came from the ballot box."

In the Forty-Seventh Congress, when the Republican party returned to power in the House, J. Warren Keifer, of Ohio, was elected Speaker. Godlove S. Orth, of Indiana, who had been a candidate for the Chair, resigned from the Committee on Rules, as a protest against his committee assignments, and Thomas B. Reed, of Maine, was appointed to fill the vacancy, the other members being, in addition to the Speaker, George M. Robeson, of New Jersey, who had been Secretary of the Navy in the Cabinet of President Grant; and Samuel J. Randall, and J. C. S. Blackburn, of Kentucky, Democrats. Mr. Orth, in a spirit of personal dissatisfaction, much like that which was to be so manifest in the House thirty years later, proposed that a standing board of eleven be chosen by party caucuses, and vested with the power to nominate all committees.

Mr. Reed said, in opposition to this suggestion, that whatever complaint could be made of appointments of committees, through pressure upon the Speaker, could be made with redoubled force against appointments made by such a board.

"Think of the speakership of this House going into commission!" exclaimed Mr. Reed. "Think of the log-rolling there would be in order to get such a board as would favor various measures that might be pre-

sented, supposing always that there was in the House the danger of the suggested corruption or ruin. What modest, good men the board would have to be! They would have to pass self-denying ordinances and resist the temptation to shine as members of Judiciary, Appropriations, Ways and Means, and Foreign Affairs."

The Speaker of the House, Mr. Reed showed, was under the constant supervision of the House and of public opinion, a fact which Mr. Blaine had emphasized, but what both of them ignored or overlooked was the fact that there is nothing more difficult of ascertainment than public opinion, and that it is within the very nature of power to become both blind and deaf, to the extent of being able to see and hear only those things which it desires shall be visible and audible.

Always the House has been aware of the price it was obliged to pay for the efficiency of party government, never did the yoke of discipline rest easily and without galling, but usually it considered the offsetting advantages and, conscious of its prestige, and unwilling to impair its own powers within the scheme of government, declined to infringe upon those which it had lodged in the speakership. It was for this reason that, when the Speaker submitted to the House the question whether the rule offered by Mr. Orth was in order, the answer was in the negative. This was the position taken by the unique statesman who was afterward to rise to the speakership and to give to that office a greater strength and dignity than it had yet known.

On February 7, 1884, Mr. Reed called attention to the necessity for the amendment of the rules of the House. He was then speaking from the minority

side, the House being under the control of the Democratic party, with Mr. Speaker Carlisle in the Chair. He was thoroughly the politician, little troubled by considerations of consistency, and, as a party leader, as unscrupulous in leading a filibuster against a majority measure as later on he was to be bold and unbending in dealing with that expedient of partisanship. His analysis of the conditions prevailing in the House at that time was merciless.

"This House," said Mr. Reed, "does only eight per cent. of its business; and our whole legislation with relation to rules must hinge upon that important fact. There is no physical possibility of doing much more than eight per cent. Now, the proposition of the gentleman from Kentucky* is that when any bill is not reported by any committee within a specified time it shall at once, upon any Monday, become a privileged bill; in other words, it shall become entitled to stop the other business of the House. . . . Now here is a choice between evils. The question is, whether in order to remedy the evil of the non-action of a committee, chosen by the House, and supposed to represent its views, you shall give to an individual Member the right to make privileged nine-tenths of the business of this House, and to make such business privileged, not because a committee recommends it, but simply and solely because a committee does not recommend it."

The situation complained of by the author of the

*Mr. Turner: An amendment offered to Rule XXIV, providing that when a committee had failed or refused to act favorably or unfavorably on a bill or resolution for thirty days it should be in order for the Member proposing it, on any Monday, after the morning hour, to move to discharge the committee, the House then to dispose of the matter. *Congressional Record*, Forty-Eighth Congress, first session, p. 964.

proposed amendment, Mr. Turner, grew out of the practise of committee veto, through failure to act on a measure, a state of affairs which, he declared, could prevent a majority of the House from voting for a public bill or resolution favored by a majority of the Members.

"One would hardly suppose," said Mr. Turner, "that a committee would resort to this method to prevent action by this House; yet, sir, I state without fear of contradiction that it has often been done, and the fact is well known to every old Member who hears my voice. None will deny it. Why, sir, the pending amendment is an illustration of the evil sought to be remedied. I have offered this amendment at the beginning of four sessions of Congress, and it has been referred to the Committee on Rules, and, sir, up to this day the committee has failed to make any report on this amendment, and now, when I am attempting to offer it, we are cut off by the previous question, which has been moved by the gentleman who has charge of the report of the Committee on Rules. It is true I have the poor privilege of seven minutes to offer reasons in favor of the amendment, but whether we are even now to be allowed a vote on the amendment I do not know. . . . Ought a majority of this House to be thus handicapped by seven men? Ought such an evil to exist without a remedy? I assert in the hearing of the gentleman from Pennsylvania [Mr. Randall] and the other members of the committee that there is no remedy under the rules to force a committee, by a majority vote, to report back a public bill or resolution to this House. A majority sits here powerless."*

**Congressional Record*, Forty-Eighth Congress, first session, p. 964.

CHAPTER VI

THE SPEAKERSHIP OF REED

WHEN Mr. Reed became leader of the Republican minority in the House of Representatives he continued his agitation for reforms which should strengthen the rules, and the speakership, which came to him with the organization of the Fifty-First Congress, gave him, as the undisputed leader of his party, an opportunity to enhance the power and dignity of the lower branch of the legislative body.

The Fifty-First Congress was the first in fourteen years in which the Republican party had a clear majority in both Houses. With the exception of the Forty-Seventh Congress, Democratic speakers had presided over the House since 1875. Under Reed, Henderson and Cannon, the Republican party was to establish a remarkable record in efficiency in government. From 1895 the hold of the party upon the House was to seem well-nigh unbreakable.

Mr. Reed's principal lieutenants were William McKinley and Joseph G. Cannon, both of whom were to attain great distinction through their service in the House. Mr. Speaker Reed organized the new House, appointing the committees, and creating a strong party organization. He placed McKinley, who had been the most formidable contestant against him for the speakership, at the head of Ways and Means, a post which carried with it the floor leadership, and the responsi-

bility of sponsoring the party's fiscal program. The loss of the speakership was to make McKinley President, the second place in the House organization which fell to him imposing upon him the duty of initiating legislation on the tariff, the leading political issue before the country. The McKinley Bill, which embodied, perhaps, the most thorough revision of the tariff which has ever been attempted, went into effect one month before the congressional election, with disastrous consequences so far as that campaign was concerned; but the issue of "McKinleyism" which it raised in the minds of the people was later on to return the Republican party to power in every branch of the government, and to put its author in the White House.

Mr. McKinley also became a member of the Committee on Rules, as did Mr. Cannon, whom Reed made chairman of Appropriations. The Rules Committee was thus composed of Mr. Reed, the Speaker; Mr. McKinley and Mr. Cannon, of the majority; and Mr. Randall and Mr. Carlisle, of the minority. There has probably never been a stronger Committee on Rules in the entire history of the House of Representatives. There has never been a greater concentration of House power in the hands of a small group of any party as in the hands of the three Republican members of this committee. These three men, Reed, McKinley and Cannon, held the speakership, the chairmanship of the Committee on Rules, the governing board of the House; the chairmanship of Ways and Means, and the chairmanship of Appropriations, and the floor leadership. It was power raised to the nth degree.

The Rules Committee was thus composed of five men; but distinguished as they were, and able as they

✓ were, and strong intellectually as they individually were, the two minority members were wholly without consequence. The entire power of the committee was lodged in the hands of the Speaker and the chairmen of the Committees on Ways and Means and Appropriations, the two committees having absolute authority over every dollar of revenue to be raised for the support of the government, over the imposition of all taxes, over the levying of all customs duties, and over every penny to be expended from the public Treasury.

Under the rules the Speaker appointed all committees, and every Member owed his standing in the House, his opportunity to rise to prominence, to the Speaker, in whose hands reposed, also, the power of recognition. Whoever failed to catch the Speaker's eye might twiddle his thumbs until the end of the session. Until the Speaker chose to recognize him he was impotent, and could obtain no consideration for the measures in which his constituents were interested. The power of recognition sent to the Speaker's anteroom, before the House convened each day, humbly, and with hat in hand, every Member who desired recognition on the floor for consideration of a bill or resolution.

└ The Speaker of the House had always had, since April 7, 1789, the right to recognize for debate, and still has to-day; but the power of the Speaker to recognize out of order, to accord or deny consideration of any particular bill, was something far beyond this. It was one of the great prerogatives of the speaker-ship. Essentially this power of the Speaker's recognition was only the power of any individual Member to object to consideration of a measure, but whatever it was in theory, in practise it was utilized in such a way

as to concentrate this power in the hands of a single man, and that one the arbiter of the fate of his associates. Reed had been in the House twelve years before he was advanced to the speakership, that long period of service giving him in addition a natural advantage by reason of his great grasp of the business of the House and his familiarity with the details of its work. As early as 1832 the pressure of business began to bring into use the request for consideration of measures by unanimous consent. The Speaker's power to recognize out of order, as used abnormally under Mr. Reed, grew out of the right of recognition in debate. This great power, as interpreted, placed the entire House of Representatives under obligation to the Speaker.

Under this system the Speaker's two lieutenants, supported by the other leading men of the organization, controlled every avenue to preferment through the federal purse, every dollar a Member might hope to see expended for an improvement in his district, a new post-office, a customs house, a river or harbor development, the dredging of a creek or the construction of a bridge, and every duty he might desire to see levied in a tariff bill for the support or encouragement of an industry in which his constituents were interested, and upon the securing of which his very political life might depend. The man who dared oppose his will to that mighty power would be bold indeed, or utterly reckless and desperate. Naturally, few had the hardihood to do so.

The domination of that remorseless instrument of strong party government was rendered still more effective. There being, in addition to himself, but two ma-

jority members of the Rules Committee, the Speaker could summon them to his private room by the nod of his head or the crook of a finger. There were no delays in getting them together, for they were always present when the House was in session. Both of them owed to him the places which they held in the political hierarchy of the House. Both were bound to him by ties of personal loyalty and party fealty. Both had been selected for known qualities and proved fidelity. In five minutes, seated about a table, they could draft a special rule, as agreed upon among themselves. They could then summon the minority members to a meeting of the full Rules Committee. Mr. Reed was able to have the entire machinery required for putting through any measure he desired smoothly running inside of ten minutes. Any sudden emergency that might arise unexpectedly could be met instantly. A man of imposing appearance, of impelling force of will and mentality, overriding his colleagues by sheer force of character, Mr. Reed was gifted with a sardonic humor. It was his custom, when he and McKinley and Cannon agreed upon a program, and Carlisle and Randall had appeared in the Speaker's room, to extend the typewritten special rule which had been agreed upon and say with grim sarcasm, "Gentlemen, we have decided to perpetrate the following outrage." In this bold and perfectly brazen manner would the minority be informed of the purpose of the majority leaders to pass a bill, of however much importance, under a special rule, a rule which might prevent the offering of amendments, and limit debate to forty minutes. It was immaterial, under this system, whether the bill dealt with a small matter or a large one. One vitally affect-

ing a hundred millions of people could be put through the House as easily as one affecting a handful of government wards on an Indian reservation. Ten dollars, or ten millions, it was all the same. If Mr. Carlisle and Mr. Randall desired to acquiesce in the "outrage" they could do so. If not the Speaker controlled the committee by a majority of one anyhow. The rule would be adopted, and forthwith reported and acted upon. The House functioned noiselessly, if not painlessly.

The power of the Speaker with respect to the Committee on Rules had been gradually acquired. There had been a select Committee on Rules in the House from 1789. On June 14, 1858, a resolution was agreed to authorizing the appointment of a Committee on Rules to revise the rules of the House, and the Speaker, Mr. James L. Orr, of South Carolina, was placed on this committee. Thus the presence of the Speaker on Rules, as its chairman, dates from the Thirty-Fifth Congress. Under the revision of the rules which occurred in 1880 it was made a standing committee, with a membership of five, and in 1891 the right to report at any time was conferred upon it. In 1893, under the speakership of Mr. Crisp, it was given the right to sit during the sessions of the House.

The Rules Committee had been originally a select committee, and was not especially important. The power of the committee did not begin until the beginning of the practice of bringing in special orders for consideration, and method of consideration, of any special order of business. This growth of power followed the expansion of the House and the increase in its business. As the Rules Committee grew the power

of the Speaker was increased. As far back as 1833 the House first began the practise of making a special order by a majority vote on a report from the Committee on Rules, and from this time there was a steady increase in the use of this order. Every tariff bill, up to the time of the enactment of the Underwood Law, was passed under a special order from the Committee on Rules, both Republicans and Democrats making use of it.

The "hour rule" had been adopted many years before, when unlimited debate began endangering appropriation bills. As the membership of the House steadily increased the legitimate business demanding attention could not be transacted if every Member were given unrestricted right to the floor. In 1820, during the speakership of Mr. Clay, the belligerent and loquacious John Randolph spoke for four hours on one occasion on the Missouri Bill, and an effort was then made, and was renewed in 1833, to limit debate in the House to one hour.

This reform, necessitated by the unwieldly proportions of the House, was finally accomplished under Mr. Speaker White, in 1841, when the Whig party was in control, the "hour rule" then being first adopted as a special rule; and in 1842 it was made one of the standing rules of the House. It was one of those instances in which the rights of the individual were sacrificed to the common welfare. The House was thus, at an early date, obliged to limit debate in order that the public business might be expedited, whereas the Senate, priding itself upon being the more deliberative body of the two, clung tenaciously to the privilege of free

and unlimited speech. > There were many times when the public business came to a virtual standstill in the Senate because of this, and when the majority party was all but powerless to exercise its will, and this in a body whose membership has never exceeded ninety-six.

Still further restrictions upon the freedom of the individual Member differentiated the House from the Senate in marked degree. The so-called "gag rule" of the lower body has reference to the "previous question" as well as to special rules. The Senate does not have the previous question. There is a cloture rule which is instituted by petition of sixteen or more Senators and adopted by a two-thirds vote, after which no Senator may speak more than one hour. The rule that a Senator shall confine himself to the subject of the matter under consideration is not enforced, and in consequence of these two circumstances the United States Senate has remained until this time the only absolutely open forum of mankind on earth. Freedom of speech has withstood the assaults prompted by impatience and a willingness to see an exceptional right sacrificed to expediency, but even in a body so small as the Senate cloture would not cure a condition growing out of wide divergence of opinion existing within the membership of the majority party, and it is such differences as these which the advocates of the change to the system in vogue in the House, with some modifications, have really sought to cure. The agitation for cloture in the Senate has been essentially decadent.

< The previous question is a highly privileged motion in the procedure of the House, and if adopted cuts off

all debate and all amendment, except one amendment by way of a motion to recommit. The demand for the previous question is not debatable.

There was still another device which the great Republican Speakers utilized to enforce ruthless efficiency under the party system. This was the caucus. It was long regarded as a necessary complement to the other instruments of party domination, and always provoked a spirit of revolt among men of independent cast of mind. Under the speakership of Mr. Reed the caucus system never worked perfectly, but it worked effectually. It sought to commit members of the party, in secret and binding conference, to a party program agreed upon in advance of the action in the House, and it gave to the organization a powerful weapon for the coercion of recalcitrants within the party. Those who rebelled against being bound by caucus action were marked and punished, for the Speaker not only had the power to appoint Members of the House to places on committees, but he had the power of removal, and this power the strongest of these party leaders did not hesitate to use. In the House the system led to abuses and helped to fan the flames of growing resentment in the minds of men of liberal tendencies of thought.

The Republicans of the Senate had utilized the caucus, but many years before it was finally destroyed in the House as a part of the campaign for the liberalization of the rules, it had fallen into decline at the other end of the Capitol. During the administration of President Grant the Republican caucus deposed Charles Sumner from the chairmanship of the Committee on Foreign Relations, electing Simon Cameron

in his stead, in consequence of intemperate criticism of the President which the Senator from Massachusetts had made at a private dinner. The reaction against this has been given as one of the causes of the decline of the Republican caucus at the Senate; but whatever the reason, for many years the conference, whose decisions are not binding, has been employed by both parties, and Senators of particularly strong independence of mind have even declined to attend these party meetings.

← In the House the caucus was an ^{very important} important part of the machinery of party government. → Partisanship was synonymous with political virtue. It was insisted upon as a necessity under the American system, and was sustained by tradition. With the power of the Speaker over committee appointments went the authority, vested in him, to make the arrangements of the proportion of the members according to their party alignment, in which selections party considerations had entered for many years. → As far back as 1836 a rule was proposed that it should be the duty of the Speaker "to appoint a majority, at least, of the members of each standing committee, without respect to party," but the deeply ingrained party instinct, born of the Constitution itself, was too strong, and the proposal was rejected.* Government through party had become the established custom, and was rigidly adhered to. As early as the Twenty-Seventh Congress Mr. Charles J. Ingersoll, of Pennsylvania, in a speech in the House said ~~that~~ the committees had been selected on party and political grounds during the thirty years in which he had had experience in the House, which would

*Hinds' *Precedents*, Section 4477.

carry the custom back to the Thirteenth Congress, in 1813; and in the Twenty-Fifth Congress Mr. Sergeant S. Prentiss, of Mississippi, criticized Speaker Polk, "not for making up partisan committees, for that was admitted to have been the custom; but for having given too small minority representation."

Thus the whole tendency, during the period of development in legislative government, was to emphasize and exalt the idea of party. The party was responsible to the country, the leaders responsible to the party, and with their responsibility went the power necessary to its discharge.

The power of the Speaker would have been absolute but for one thing—the filibuster. All minorities, in any assemblage, resort to the employment of tactics calculated to hinder and prevent action upon measures opposed by them. Mr. Reed himself had engaged in filibustering when he had been in the minority party in the House, and had justified his course. While there had been various expedients for delaying the transaction of the business of a legislative body, the favorite method in the Congresses before Reed's consolidation of power was for minority Members to refuse to answer when their names were called on a vote by ayes and noes, thus destroying a quorum. Such tactics necessitated frequent roll-calls, which are destructive of time. Mr. Reed had originally upheld the right of the minority to obstruct, defending, January 28, 1880, the commonly accepted construction of the Constitution respecting the quorum.

"It is not the visible presence of Members," he said, "but their judgment and their votes that the Constitution calls for." If this was his honest conviction, at a

time when no responsibility for the orderly conduct of the government's business rested upon him, he changed his mind when he took the reins of power in the Fifty-First Congress, upsetting his previous interpretation of the right of a minority to interfere with the process of legislative enactment, and substituting for it the doctrine of the unqualified right of a majority to rule. On January 29, 1890, Mr. Reed rendered a revolutionary ruling in counting a physical quorum in the House by recording as present Members of the minority who had declined to answer when their names had been called. The power of the Speaker had been made absolute and complete. It had been placed beyond the reach of any menace save that of revolt or party disloyalty.

In attaining perfection in parliamentary absolutism Mr. Reed had planted in the House the seeds of both of these. They were to be an even twenty years in germinating, and these two decades were to be a period of unparalleled achievement in the administration of government under the Republican party.

Mr. Speaker Reed had vindicated the right of a majority to govern. To accomplish this end he had annihilated the individual, but his situation was desperate. Without the power to prevent Democratic filibustering the House could not have functioned. The decision in counting a physical quorum permitted Mr. Reed to carry out the legislative program of his party. A crisis in the history of the House had been reached, and had been met.

"The Supreme Court of the United States," said Mr. Reed himself,* in commenting at a later date upon

**North American Review*, August, 1892, p. 235.

his ruling, "has followed the judgment of every other tribunal that ever passed upon the question, and pronounced with the same unanimity which characterized the others that a 'present quorum' is the only quorum contemplated by the Constitution of the United States."*

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THE administration which Mr. Reed gave to the House, and which Mr. Henderson passed on to Mr. Cannon, to be employed in the interest of the Republican party under Mr. Roosevelt, was a system which worked. In this the organization found its justification. Moreover, it was exactly in harmony with Republican genius for government, and with the whole temperament and tradition of the successor to the Federalists and the Whigs. It was the most efficient instrumentality of party government that the American political system has ever produced, and the most despotic.

The reaction was necessarily inevitable and devastating. The absolutism of Reed and Cannon ended in schism; and the election of Woodrow Wilson in 1912, when the Republican candidate for President carried two states unimportant politically, is one of the most striking of those political phenomena which from time to time mark the almost automatic restoration of the constitutional balance of power. The strong Congress was to give way to the strong President, in due course of time.

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So long as the Republican party remained generally true to its fundamental principles and was faithful to its constitutional theories, it dominated the government of the United States through the power of the Congress with a force and character which were majestic. When it forgot the political precepts which had elevated it to distinction it fell into decline; but this was not to be in Reed's day. The true Republican conception of Congress is a body working with, and not under, the President.

The inherent honesty in Reed's ruling on the constitutional quorum was apparent as soon as he had enunciated it. It needed only the decision of the Chair to make it clear. It is the rule to-day, for it was a decision founded upon common sense and logic as well as upon the Constitution. The Democratic party, which fought it so bitterly, came to it in the sequel. Mr. Reed's conception of responsible government under the American two-party system was universally recognized as the true one.

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**Life of George Canning*, by Robert Bell; Harper & Brothers, 1846, p. 120.

of a political ideal, as instinctively as the silkworm spins its web.

X It was the theory of Mr. Reed that the essence of party government is discipline. Without it a parliamentary body so large as the House had become even in his time could not function. This he enforced as the first rule of order. The Force Bill, providing for federal supervision of elections, a reactionary measure repugnant to the basic principles of American government, was bitterly opposed by large numbers of influential Republican Members of the House during Reed's first term as Speaker. It was finally adopted in the Republican caucus by a bare majority, but so rigid was the system of party discipline that the lieutenants of Reed who had fought the bill in the preliminary stages, when defeated in the caucus, and when the stamp of party approval had been placed upon it, brought in the special rule from the Committee on Rules which gave it privilege. Speaker Reed ruled with a rod of iron, but the House under his leadership was magnificent. His party marched in solid and unbroken ranks steadily forward to the attainment of the party goal. ✓ "He found the House demoralized and the majority unable to transact business because of the obstructive tactics of the minority. He took the lead in formulating a new set of rules and enforced them with conspicuous ability and boldness, thereby enabling the Fifty-First Congress to accomplish the business which the majority had been commissioned to do by the vote of the people.* He did this amidst the violent execrations of

**Life of William McKinley*, by Charles S. Olcott, Vol. I, p. 153.

the Democrats, but they, upon securing control of the next House, promptly paid him the compliment of adopting the 'Reed Rules.' " "Having established the right of the majority to rule, this Congress gave strict attention to the public business. It passed the McKinley Tariff Act; the Customs Administrative Law; the Sherman Anti-Trust Act, which attracted more notice twenty years later than at the time of its passage; the so-called 'Force Bill,' which the Senate failed to pass; a pension law making more liberal provision than ever before for the disabled soldiers, their widows and children; a bankruptcy act; a meat inspection law, and many other measures of greater or less importance."* In a word, the House carried out its conceived obligations to the country effectively and efficiently, and this, in the eyes of those who supported the system, was its justification.

The first decision of President McKinley and his advisers in Congress with reference to the constructive legislative program of the new Republican administration of 1897 gave tariff revision the right of way, as did, curiously enough, the first decision of President Harding † and his advisers at the Capitol and "out-of-doors." Mr. Reed had again been elected Speaker, the Fifty-Fifth Congress convening in extra session on March 15, 1897. He promptly appointed the Committee on Ways and Means, making Nelson Dingley, Jr., of Maine, chairman. A bill had been carefully prepared during the previous session. It was introduced at once, and taken up for considera-

**Life of William McKinley*, by Charles S. Olcott, Vol. I, p. 239.

†At a White House conference, March 7, 1921.

tion on March twenty-second and March thirty-first. Under the perfectly operating system of party government permitted by the new rules, which had so greatly increased the power of the Speaker and of his lieutenants on the floor and in committee who drew their vitality from him, the bill was passed in ten days; and Senator Aldrich, chairman of the Senate Committee on Finance, was able to report it on May fourth with amendments, which were added at the insistence of a group of Silver Senators who "held the balance of power, and did not hesitate to demand, as the price of their support, concessions in the direction of higher duties."* This was, incidentally, a significant appearance in Congress of a determined group united by a common economic interest, and influencing the character of legislation through the exercise of minority veto within the majority party.

The tariff act thus passed by the House under "gag rule" and organized force remained on the statute books for twelve years, during which period the United States enjoyed such an era of material prosperity as the world had perhaps never witnessed before in any country. The power of party leadership under a dominating Speaker was justified by its orderly administration of the nation's legislative business.

X It seemed that the system was destined to endure. The Speaker of the House of Representatives was the undoubted second officer of the government. He towered at times above the President, with whom, in power, he was virtually co-equal. There were not

**Life of William McKinley*, by Charles S. Olcott, Vol. I, p. 351.

lacking indications that the office might become even more powerful than the executive office. Mr. Reed believed in the system which had come down to him from the British Commons, the Colonial Assemblies, the Continental Congress, and the First Congress of the United States, and which he had perfected by the touch of his profound genius for political leadership and statesmanship. He bequeathed it as a legacy to the body which he had served and to the American people of whom he was one.

After his first term in the Speaker's Chair he had returned to the Fifty-Second Congress, which was Democratic, to find it, as he described it, a mob. There was, under Charles F. Crisp, of Georgia, a pronounced anti-Republican reaction against the strong leadership characteristic of Mr. Reed's party. The Fifty-Third Congress, likewise Democratic, was generally out of sympathy with the financial theories of Grover Cleveland, but the President was stronger than Congress, as Jackson had been before him, and Wilson was to be later on. He convened it in extra session, August 7, 1893, and boldly served notice in his message that the time had come for the repeal of the provisions of the act of July 14, 1890, authorizing the purchase of silver bullion, and recommending that "other legislative action may put beyond all doubt or mistake the intention and ability of the government to fulfill its pecuniary obligations in money universally recognized by all civilized countries."*

The party which was about to embrace "Bryanism" and "free silver" yielded to the presidential will, and repealed the so-called Sherman Silver Law. The

**Messages and Papers of the Presidents*, Vol. IX, p. 405.

carry the custom back to the Thirteenth Congress, in 1813; and in the Twenty-Fifth Congress Mr. Sergeant S. Prentiss, of Mississippi, criticized Speaker Polk, "not for making up partisan committees, for that was admitted to have been the custom; but for having given too small minority representation."

Thus the whole tendency, during the period of development in legislative government, was to emphasize and exalt the idea of party. The party was responsible to the country, the leaders responsible to the party, and with their responsibility went the power necessary to its discharge.

The power of the Speaker would have been absolute but for one thing—the filibuster. All minorities, in any assemblage, resort to the employment of tactics calculated to hinder and prevent action upon measures opposed by them. Mr. Reed himself had engaged in filibustering when he had been in the minority party in the House, and had justified his course. While there had been various expedients for delaying the transaction of the business of a legislative body, the favorite method in the Congresses before Reed's consolidation of power was for minority Members to refuse to answer when their names were called on a vote by ayes and noes, thus destroying a quorum. Such tactics necessitated frequent roll-calls, which are destructive of time. Mr. Reed had originally upheld the right of the minority to obstruct, defending, January 28, 1880, the commonly accepted construction of the Constitution respecting the quorum.

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First Congress how the powers of the speakership could be used, and Mr. Crisp, whose first term of office followed immediately after this Congress, was somewhat handicapped by the fact that when a minority leader he had personally assailed the extraordinary exercise of the prerogatives of the speakership by the Maine man. But in the Fifty-Third Congress the Democratic party was distracted by conditions threatening its existence, and Mr. Crisp, "too great a man," in the language of a Republican contemporary, Mr. John F. Lacey, of Iowa, "to allow the reins to slip from the hands of his party in the mere effort to be consistent, recognized the necessity of adopting methods which would enable the dominant party to enact the measures for which that party must answer to this country. He was compelled to exercise to the uttermost the very powers that he had so severely criticized, even adopting, in a modified form, the same rules that had given a nickname to his Republican predecessor." Mr. Reed described the House in the Fifty-Second Congress with pitiless irony.

"The Democracy in the House,"* he wrote, "with a force of three to one, have not only done nothing with the tariff, but they have done nothing with anything else; not only have they done nothing, but at the very beginning they deliberately established a system of rules which made it a foregone conclusion that not only had the leaders abdicated, but they were determined that nobody else should reign. Given a wonderful power by the people, a power which might have enabled them to carry out any plan for the relief of what they called the down-trodden people,

**North American Review*, August, 1892, p. 229.

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**Life of George Canning*, by Robert Bell; Harper & Brothers, 1846, p. 120.

all debate and all amendment, except one amendment by way of a motion to recommit. The demand for the previous question is not debatable.

There was still another device which the great Republican Speakers utilized to enforce ruthless efficiency under the party system. This was the caucus. It was long regarded as a necessary complement to the other instruments of party domination, and always provoked a spirit of revolt among men of independent cast of mind. Under the speakership of Mr. Reed the caucus system never worked perfectly, but it worked effectually. It sought to commit members of the party, in secret and binding conference, to a party program agreed upon in advance of the action in the House, and it gave to the organization a powerful weapon for the coercion of recalcitrants within the party. Those who rebelled against being bound by caucus action were marked and punished, for the Speaker not only had the power to appoint Members of the House to places on committees, but he had the power of removal, and this power the strongest of these party leaders did not hesitate to use. In the House the system led to abuses and helped to fan the flames of growing resentment in the minds of men of liberal tendencies of thought.

The Republicans of the Senate had utilized the caucus, but many years before it was finally destroyed in the House as a part of the campaign for the liberalization of the rules, it had fallen into decline at the other end of the Capitol. During the administration of President Grant the Republican caucus deposed Charles Sumner from the chairmanship of the Committee on Foreign Relations, electing Simon Cameron

in his stead, in consequence of intemperate criticism of the President which the Senator from Massachusetts had made at a private dinner. The reaction against this has been given as one of the causes of the decline of the Republican caucus at the Senate; but whatever the reason, for many years the conference, whose decisions are not binding, has been employed by both parties, and Senators of particularly strong independence of mind have even declined to attend these party meetings.

< In the House the caucus was an important part of the machinery of party government. > Partisanship was synonymous with political-virtue. It was insisted upon as a necessity under the American system, and was sustained by tradition. With the power of the Speaker over committee appointments went the authority, vested in him, to make the arrangements of the proportion of the members according to their party alignment, in which selections party considerations had entered for many years. > As far back as 1836 a rule was proposed that it should be the duty of the Speaker "to appoint a majority, at least, of the members of each standing committee, without respect to party," but the deeply ingrained party instinct, born of the Constitution itself, was too strong, and the proposal was rejected.* Government through party had become the established custom, and was rigidly adhered to. As early as the Twenty-Seventh Congress Mr. Charles J. Ingersoll, of Pennsylvania, in a speech in the House said that the committees had been selected on party and political grounds during the thirty years in which he had had experience in the House, which would

*Hinds' *Precedents*, Section 4477.

carry the custom back to the Thirteenth Congress, in 1813; and in the Twenty-Fifth Congress Mr. Sergeant S. Prentiss, of Mississippi, criticized Speaker Polk, "not for making up partisan committees, for that was admitted to have been the custom; but for having given too small minority representation."

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had qualities of personality and temperament which made him in some respects an abler Speaker than Reed had been. He was loved even by his enemies, whereas the glacial Maine giant was sometimes cordially disliked by those who most admired him. There was a homely simplicity about him, a lovable nobility of spirit, which bound to him in affection those whom he enthralled. This fact was to have important bearing upon subsequent political events.

Speaker Cannon established a contact with the White House which enhanced the prestige of the House. He had conferences two or three times a week with President Roosevelt, and was recognized by the President as the chief spokesman of the Republican party at the Capitol.

Republican Senators quickly appreciated this, and in consequence there was at first close party cooperation in this administration, as between the Speaker and the President, and as between the Speaker and the leaders of his party at the Senate. For a considerable period the administration functioned with remarkable harmony and efficiency, although there were exceptions to this rule.

The country enjoyed those benefits which flow from a government which is in strong firm hands, and which is guided by minds actuated by common aspirations and purposes. Not even under Reed had the House conducted its business with more precision.

Mr. Cannon was imbued with a sense of the importance of the popular branch of the legislative assembly of the American people. The House was exactly attuned to his homely and rugged nature. He was himself close to the soil and near to the

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cept in the sense that in him they saw a leader who could bring to their cause a strength and a force and a talent for publicity which they very much required. They were themselves leaders and pioneers, and Roosevelt in the end reaped where they had sown.

During the various sessions of the Cannon Congresses, but more especially toward the end, there were many quiet conferences among certain groups of Members of the House who began to discover that they had ideals and purposes in common, and that, in addition, they were bound together by the consideration that they had been victims, separately, of the rigid system of party discipline which they regarded as a hindrance to the exercise of their natural abilities, and a restriction upon their freedom of action in bringing forward for consideration measures in which they were interested both as statesmen and as politicians.

One great difficulty which impeded the advancement in the House of the Republican novice with new ideas and progressive habits of thought was his lack of familiarity with the rules and with the intricacies of parliamentary procedure under the complex system prevailing, a system predicated upon the Jefferson Manual, a great mass of rules and special rules, and countless precedents established by the practises of previous Congresses and the decisions of previous Speakers for more than a hundred twenty years. These rules and precedents are contained in eight immense quarto volumes of more than one thousand pages each. Familiarity with these rules was an asset of inestimable value to the Members of the inner organization, while ignorance of them prevented a great many men

from obtaining in the fierce parliamentary conflicts the favorable consideration for their measures which more knowledge and dexterity might have enabled them to gain. It was only natural that those who suffered should be drawn together by the instinct which prompts misery to seek company.

"At the very beginning of these conferences," according to the testimony of one of the members of this insurgent group,* "it was unanimously agreed that no fight was to be made on the Speaker." By this was meant that the planned attack was to be directed against the system and not against individuals.

As a result of this coming together of the progressives of the Republican side, then numbering not more than thirty, the reform generally spoken of as the adoption of "Calendar Wednesday" was brought about, and in addition, at the beginning of the Sixty-First Congress another liberalizing rule was adopted providing that after the previous question on a bill had been ordered a Member in opposition to it should be recognized to move that the bill be recommitted. The rule was employed for the first time when the Payne Tariff Bill was put upon its passage.

"Calendar Wednesday," one of the most useful reforms the House has instituted in recent years, was adopted on March 1, 1909, in the Sixtieth Congress. Members began to find, as the business of the House increased year after year, that even after a committee had spent months in consideration of a bill, and had reported the bill with a favorable recommendation, so many others pressed for action that it could

*Mr. Townsend, of Michigan; *Congressional Record*, Sixty-First Congress, second session, p. 3413.

not be brought to a vote. The difficulty was that the powerful committees generally monopolized the time of the House, and those of less importance were side-tracked.

This situation was largely responsible for the increase of insurgency in the House and an effort was made to remedy the conditions complained of. From the beginning there had been a call of committees, but the call was neglected because of the pressure of business. Out of the agitation which arose, and which was a part of the revolt against the organization of which Mr. Cannon was the head, grew the adoption, ~~after a long fight~~, of a rule establishing "Calendar Wednesday." It was a drastic rule in this respect, that it could only be dispensed with by a two-thirds vote, and on this account it was sometimes referred to sarcastically as "Sacred Wednesday." This rule setting aside a day each week when the calendar must be called, gave to a committee the opportunity to bring before the House for consideration a bill which might be objectionable to the organization, and in this way the insurgents first succeeded in seriously curtailing the power of the Speaker. Up to this time it was possible for the Speaker to determine, except as to privileged matters, the bills that should be considered. On suspension day nobody could bring up a matter for consideration without first securing the consent of recognition from the Speaker. The Roosevelt Republicans knew that something was wrong, but compared to the veteran leaders of the House most of them were tyros, and at first they did not know how to accomplish what they so ardently desired.

Ignorance of the rules of the House was partly responsible for the criticism launched against them. Few Members of the House knew their history, or understood the purposes for which they had been created and the exigencies which had brought them forth. Obviously no rules could have been devised which would have enabled the House to consider and act upon all the bills and resolutions which all the Members desired to have considered and acted upon. Preference naturally had to be given to those measures which were considered as being of greatest importance to the country, and naturally also somebody had to determine the question of importance. That could not be left to the individual Member, if for no other reason than that each would be inclined to regard his own particular bill as of more value to the country than any other. It was inevitable that the selection of the bills should devolve upon the leadership, which is but another way of stating that the group in the House which succeeded in making this choice would constitute the leadership, since the object of leadership is accomplishment. This choice was not always made in the House, for it very often happens that the legislative program of an administration is determined by House, Senate, and executive leaders acting in concert, and indeed such a determination of policy is essential to orderly party government.

The character of the legislation passed by Congress at this time, at the very moment when revolt against the system of efficiency was brewing, verifies the truth of Mr. Roosevelt's analysis of the value of the organization of his party in the House. Under

the system so bitterly condemned, the Republican organization enacted the pure food law, provided for government control of railroad rates, stopped rebating, and put upon the books a great many statutes of distinct value and progressive type. Nobody realized better than Mr. Roosevelt, one of the most thoroughly practical of American Presidents, the value of concerted action through organization.

With scarcely a point of resemblance between them, totally unlike in temperament and in their mental processes, Roosevelt and Cannon nevertheless were alike in this, that they were both party men. Each believed—at that time—in the American system of two-party government. Each respected the judgment of the other, and the President relied upon the sagacity and experience of the head of his party in Congress. Through the Speaker the President kept in close touch with the state of mind in the House, and hence it was possible for policies to be determined upon in consequence of perfect understandings reached between White House and Capitol in advance of legislative action.

Mr. Roosevelt realized that when he discussed with Mr. Cannon the legislative problems engaging the attention of the House the Speaker was competent to reply with finality, not only because he was in a position to know with reasonable accuracy what the situation at the south end of the Capitol might be from day to day, but because by reason of the vast power which reposed in him he was able to act according as he might say to the President "yes" or "no."

If the Speaker informed the President, with respect to any measure, that it could pass, it meant that

the President could depend upon that information, and shape his national policies in accordance. It did not mean that, in the final stages of legislative action, when the administration had been committed to a certain definite policy, it would be discovered, when too late, that a sufficient vote could not be commanded.

The Speaker knew at all times, through his lieutenants who canvassed the House constantly, keeping in touch with every movement going on, precisely where every Member stood, exactly how he felt, and what he thought. It was by no means always the object of the Speaker and his immediate assistants of the inner organization to see that the wishes of the majority of the House were carried out; and although in the long run a majority of the House usually had its way, the oligarchy frequently utilized its knowledge of the state of mind of the House to defeat its aspirations and thwart its will. It was just here that the system failed.

It was easy for the organization to justify itself. It did so upon the theory that a few men charged with responsibility and answerable to the party and to the country knew what was best for the House better than the House did itself. There was a measure of truth in this conception of the function of the inner organization. The House of Representatives was gradually becoming what Reed had once called it, a mob. The steady tendency in the House was to increase its membership as each new census revealed a growth in population. Intelligent opinion in the House resisted this increase in the numerical size of the body, but without avail. The larger the size of the House the greater the necessity for a strong and small body of resourceful

leaders to act as its board of directors, and in consequence of this need the oligarchy was able to tighten its hold upon the heterogeneous mass over which it held sway, a mass in the last analysis bound together almost entirely by the cohesive force of party, and composed of individuals of different types of mind, of unlike habits of thought, of dissimilar social instincts, and representing constituencies whose special interests touched at few points and conflicted at many. The party appeal, that is to say the recognition of the desirability of organized action, was the most powerful psychological factor in the House, and the leadership not only made use of this, but over-capitalized it, until in the end the man of independent spirit and liberalized mind who sought to strike out for himself along new pathways of action, and to explore the uncharted seas of experimental legislation, was terrorized by having brought against him the allegation of party disloyalty. The mass tendency in the House was to preserve instinctively the party system upon which its great power as the champion of free institutions against the autocracy of the Executive was dependent; the individual instinct was to destroy it, as something hampering to free will.

There were many times when the House was restive, when the rigidity of the system of highly centralized control proved irksome and humiliating. It might have obviated many of the difficulties against which it struggled by the exercise of enough self-denial to impose a reasonable limitation upon the numbers of its membership, and thus to prevent the popular assembly of the people from becoming unwieldy. Even in Cannon's time the House was too large to function effec-


tively without rules of procedure calculated to destroy all that makes individualism and democracy so greatly to be desired. The expansion of the House had been remarkable, increasing from a membership of 65 in the First Congress, to 106 under the census of 1790, to 186 under the census of 1810, and 242 under the census of 1830, when the apportionment was on a basis of one Representative to each 47,700 of population. The basis of apportionment was increased under the next census to 70,680, but the country was growing up to manhood so vigorously that even so the next House had a membership of 232; and this is the sole instance of a decrease in the size of the House in all its history. The growth was not great for the next few years, the membership increasing only to 243 under the census of 1860, but during the next ten-year period it gained fifty members, and the membership in the Fifty-Ninth Congress was 385,* while that of the Senate was 90. In the Sixty-Seventh Congress the membership of the House had grown to 435,† while only six additional Senators had been added to the other body.

The problems of leadership under Cannon were thus very serious ones, both from the point of view of responsibility to the country, and with respect to the maintenance of party solidarity. This stability could be preserved only through discipline. This was one of the principal objects of the leadership exercised by Mr. Cannon, and he succeeded for a long period in maintaining it. His organization functioned perfectly from the point of view of the strict party man.

If the Speaker, in conference with the President,

*One vacancy.

†Not including delegates.



informed him that not enough votes could be counted for any particular bill which the Executive desired as an administration measure, it became the business of the leaders in the House to see to it that when the time came, those votes were safe, provided, always, that the views of these leaders coincided with those of the President. This was not always the case; and when Speaker Cannon told the President bluntly that there would not be enough votes, that settled the matter. When the President and the Speaker were in accord it became the duty of the latter to take such steps as might be necessary to bring the House into line, and the party whip would be applied to the backs of the stubborn, and the patronage club would be brought into play. Party loyalty became the supreme requirement. The caucus and the rules were the instruments of party government.

CHAPTER IX

THE SENATE ON THE DEFENSIVE

PRESIDENT ROOSEVELT, being a practical man, employed those instrumentalities of government which were at his hand. He did not try to reform the House; he used it. He did not plague it or antagonize it with fantastic innovations, but accepted it as it was. When it was too strong for him, as sometimes proved to be the case, he met the situation as a philosopher.

In consequence of the cooperation with the House which he established through the Speaker, Mr. Roosevelt was able to win the most spectacular fight of his administration, and to write into the statutes the measure incomparably his most constructive accomplishment, in the passage of the railroad rate bill, which established the government in a new relationship to the railroads.

As Jackson had challenged the great political-money power of his time so Roosevelt challenged that of his. This came about partly through no design of his own. The railroad power in some states had been supreme. It had all but usurped the very sovereignty of government. It controlled legislatures. It corrupted voters. It packed the county caucuses with hirelings of ward bosses, and determined which men should, and which could not, go to state capitals, and to the United States Senate. No such force of organized wealth, actively interested in American politics, had arisen since Jack-

son's defeat of the Bank. To break the hold which the railroads and other rich corporations had upon the machinery through which state and national officers were nominated and elected, the people were obliged to make radical alterations in their elective processes which produced results affecting the very character of the structure of government.

An intense psychological reaction resulted from the sordid and unemotional complacency of the era in American politics which ended with McKinley's Buffalo speech. The animosity of the people was turned upon the railroads, and there were numerous other manifestations of the awakening of progressive ideas throughout the nation. Some of these had their origin in the Populist movement which itself began in a selfish revolt against intolerable economic conditions and developed into a political movement. In some of the Western States the Populist party seized control of the machinery of state government, and accomplished reforms in the interest of certain classes through the medium of remedial legislation, much of which was unsound and destructive.

From about 1872 to the middle of the 'nineties there was a period of economic depression in the United States followed by a period of great prosperity. Politically, conditions in America had never been so sordid, nor were they to be so sordid again until the reaction of 1919-20 which followed the close of the World War. It was a time of intense partisanship and political narrowness. The one big question settled in this era was the money question, the one movement of important psychological significance the Populist movement, among the reflexes of which was to be

the appearance of a formidable agricultural group in Congress in 1922. Low prices for farm products, and inability to market, produced in the 'nineties, and again thirty years later, politico-economic movements much alike. Both were selfish, but Populism was bolder and more desperate, and grew into an idea which admitted of no compromise.

Populism sprang from the desire on the part of the debtor class to help themselves by increasing the value of their property by inflation of the currency. It ran its course, and came to an end as a political phenomenon partly for the reason that the currency inflated itself. The economic ills of that period were generally cured by two things, a return of prosperity, and an increase in the basic currency. The period of economic expansion and development of the 'nineties was marked by industrial organization and the consolidation of wealth, the establishment of trusts and corporations of vast capitalization, and the increasing power of the big business of the country, and especially of the railroads, in politics. The effort to control business as the supreme necessity of the people to prevent business from controlling the government produced the progressive movement which reached its climax in 1912.

The emotionalism engendered by the agitation for reform aroused in the minds of the people an overwhelming distrust and fear of their public servants, and undoubtedly led occasionally to excesses. In seeking to remedy conditions which had been produced by men the reforms were directed not against individuals only, but against certain forms and structures of government which men had used for their purposes.

Western insurgency had its first faint beginnings in

Kansas as early as 1906, with a complete revolution within the old Republican organization in that state of new ideas and prairie genius for innovation. Like the western insurgency of 1810 it was born of impulses stimulated by considerations both moral and economic. It was a manifestation of the restlessness of spirit, that sense of intellectual independence, that calm confidence in manifest destiny, which long had been, and still is, the distinguishing characteristic of the West and one of the greatest of contributions to the composite American spiritual character.

Indirectly from this insurgency were to come innumerable reactions, manifested in legislation against the railroads and the trusts, the preservation of the nation's natural resources for the benefit of the masses of the people, the subjugation of the Senate to the will of the people, the freeing of the elective processes, the enfranchisement of women, welfare legislation, state-wide and national prohibition, and new conceptions of the relationship of the state to organized labor as well as to organized capital. Some of these were brought about at the expense of some of the basic principles of the organic law. All their ultimate consequences have not as yet become apparent. This movement permeated the West. It was strong in Wisconsin, Iowa, and the grain states. It spread to the East, and in the end reached out boldly for control of the government in Washington, precisely as the insurgency beyond the Alleghanies, in 1810, had sought in politics the means to better the economic and social conditions of the regions lying in the Ohio and Mississippi valleys.

In both cases the machinery of government which stood in the way of the accomplishment of purposes

which sprang from economic necessity fortified by collateral motives of nobler quality, was taken over as the first step toward the attainment of the goal. The destruction of the power of the speakership, among other things, was demanded. The conquest of the House of Representatives was the first objective in the national field.

The attacks upon the positions of the entrenched railroad power were preliminary skirmishes. Many of the political leaders of the people who brought about radical changes in the relations of the carriers to the government had no idea of pursuing their reforms beyond the bounds of reasonable conservatism, but there were others who were concerned not merely with economic abuses, but were determined to destroy institutions of the government which had endured almost from the beginning. They aimed at the rewriting of the Constitution itself. Some were swept along on the rising tide of progressivism which they had helped to set in motion.

The determination of President Roosevelt to match the strength of the government against the power of the railroads marked the ending of an epoch and the beginning of a new era in the political history of the American people. Mr. McKinley's administration had extended over a period of unparalleled prosperity, and this condition continued to near the close of that of Mr. Roosevelt. It was a period of gestation. The people at the beginning were contented, and intellectually inert. There was a surfeit of the material things of life. It had been ushered in to the slogan of the "full dinner pail," and ended when the people were no longer satisfied with life if only their bellies might be full.

In the new time the appeal was to be to the mind and not to the stomach. When the people began to think and to examine, the old order, which had been founded upon the gross materialism which followed the Civil War as a reaction from the spiritual movement which had saved the Union and freed the bondsman, could not survive the scrutiny.

The people, in their new-found political righteousness, were especially inflamed against the railroads; but it was not the railroads which had corrupted the people, but the people who had corrupted the railroads. The conquest of the American wilderness by the steel rails of advancing civilization constitutes one of the noblest epics ever conceived by the spirit of man. There is no more splendid romance in the annals of any people; there is no story in any land quite like it. Poetry and music, the arts and invention can show no greater powers of imagination than those which urged the railroad builders to their trials of strength with desert and mountain cañon. In the construction of their masterpieces the workmen encountered the opposition of those who were blind, and those who were selfish, and those who were base. The people themselves taught the railroads what they knew of the meanness of human nature, and having learned the lesson they applied it on a scale commensurate with their genius and their task. The corruption of venal legislatures and dishonest politicians was incidental to empire building. But it was none the less immoral.

Mr. Roosevelt had intended to include the revision of the tariff in his program. The opposition to that idea which twice he encountered in the House deterred him. The President believed in the protective theory,

but knew nothing of the tariff. He proposed, in his consultations with the leaders of his party in Congress to lay no violent hands upon that principle or the existing law in which it was exemplified. But he thought that in some particulars that law could be improved by amendment. He sounded a note reminiscent of McKinley's last speech, which had heralded the approaching renaissance, but it did not reach the public ear.

Speaker Cannon opposed any suggestion as to tariff revision, and the President acquiesced, on one occasion after an annual message to Congress, containing a recommendation on that subject, had been written, printed and even circulated. At so late a moment as this the paragraph was stricken out, and the Executive gained in exchange support in the House for the new policy which he contemplated respecting the railroads, and the Hepburn Bill, a substitute for the earlier Esch-Townsend Bill, a legislative and not an executive conception, was given the right of way in the House, in consequence of an understanding between the President and his party leaders.

The power of the organization in the House was put behind the rate bill, and the Democratic party throwing its support to it from the beginning, it was passed with but seven votes cast in the negative, all of them by members of the President's own party. It encountered serious opposition in the Senate, however, and from Mr. Roosevelt's memorable contest with that body were to flow consequences of great importance. Among the people it led to an intensification of the reaction against the Senate which, in the end, was to change the character of that august institution by making it responsible and submissive to public opinion.

The Senate to which Mr. Roosevelt sent what came to be regarded in the public mind as his railroad bill was strong and able, brilliant, but stubborn, and lacking in warmth and sympathy. It had little conception of the state of mind of the country, to which it had long been indifferent. It incorrectly gaged the power of public opinion, and was not attuned to the spiritual rhythm of the times. It had little in common with the aspirations of the people, and was not in sympathy with the progressive tendencies of the day. It was coldly intellectual and stupidly materialistic. Backed by the people and the House of Representatives, Mr. Roosevelt in the end won a substantial victory, whose reactions were to prepare the way for still greater extensions of the federal power over the railroads in the years to come. But for the precedents which Roosevelt established in asserting the right of the people to determine what should be a just and reasonable rate charged by the carriers, which wrote a new principle of governmental authority into the laws, there would have been none of that broad foundation of theory upon which the United States predicated its relationship to the railroads during and after the World War.

Mr. Roosevelt's victory was not to come without a struggle which had disastrous consequences to his party. The Hepburn Bill was reported to the Senate from the Interstate Commerce Committee under remarkable and highly significant circumstances,* and in a form not entirely satisfactory to more than two members of the committee. Party lines in the com-

*The bill was reported by Mr. Tillman, of South Carolina. *Senate Reports*, Vol. I, Fifty-Ninth Congress, first session.

mittee were broken down, and the bill finally reached the Senate through the votes of five members of the minority party and three members of the majority party, who concurred in reporting it favorably. The anomalous situation was presented of a bill upon which a Republican President had staked his political reputation being reported by a Democratic Senator, and of an adverse report being made against it by the Republican chairman of the committee and four of the most influential and able of the Republican Members of the Senate.

In the popular mind the Senate was coming to be regarded as the citadel of predatory wealth, controlled by the rich for the rich, whose Members owed their seats to the aggregations of capital which they served, and who were above the laws which applied to lesser mortals. It was true that there were many rich men in the Senate, but there were many, too, who were by no means wealthy. It was true, also, that they represented there the sovereign states of the Union, and not the citizenship. It was beside the question that if this was so it was because the Constitution had intended that it should be so. The resistless psychological influences which were tending toward the destruction of the constitutional conception of the Senate were slowly at work to bring that aristocratic body into conformity with the public will.

From the beginning the firmness with which Speaker Cannon had insisted upon maintaining the prestige of the House in its relationships with the Senate had been immensely popular, and while there had been a few discontented spirits in the former from the time of Carlisle, and Reed, the full force of the

reaction against the House of Representatives was not felt until under President Taft the party in power had sought to check the progressive tendencies of the new day. The blows which Roosevelt struck at the Senate at once alarmed and delighted the people. Some ugly charges against Senators of great distinction, and of both parties, brought by those who found in the opportunities of the time openings for attacks, still further inflamed public opinion against the Senate, and much of the pent-up restlessness of the country, which had not wholly recovered from the reactions of Populism, was vented against the most conspicuous bulwark of conservatism in the government. Nor did Mr. Roosevelt hesitate then, and later, to launch his barbed shafts of criticism against the courts, and even against the Supreme Court. The idea took possession of many minds, that the Senate was venal and the Judiciary not above suspicion, and that big business and corrupt bosses controlled the judges on the bench and statesmen in the national legislature. There was a demand for the initiative, the referendum and the recall as a substitute for the constitutional method of impeachment, and these reforms were everywhere written into the statute books of the progressive states. The theory that the people could do better by direct action those things which since the foundation of the government had been done under the representative system, rapidly gained proponents.

In many states the convention system of making nominations was torn down, that corrupt and skilful politicians might no longer control the elections of officers of the state and national government by dictating their nomination, and the primary everywhere be-

gan to supplant the older method, which had early become a firmly established institution. Mr. Roosevelt's fight against the railroads carried into every American home disclosures of the shockingly immoral practises of secret rebating, through which favored corporations were enriched and their competitors ruined, discriminations which enabled economic combinations to grasp the basic industries of the nation. Roosevelt to an extraordinary degree had the instinct of publicity. More than any other man of his time he interested the people in things which concerned them practically and spiritually. He showed them how to use their senses, and made their souls expand. Yet like all the powerful reactions in American politics the progressive impulses which finally swelled into a splendid idealism were largely economic in their origin. The forces which they were to set in motion were scarcely at work when Mr. Roosevelt left the White House, doubtless not realizing that he had utilized the magic of his great office for the propagation of political principles antagonistic to and destructive of the inherent genius of his party, and of the party system in which he believed.

So strong was Roosevelt's hold upon his party at that time that upon retiring he was able to name his successor, precisely as Jackson, whom he more closely resembled than has any other President, passed the presidential succession to Van Buren. It is more than a coincidence that Mr. Taft, like the brilliant lieutenant of Jackson, enjoyed only a single term in office. The methods through which the nomination of Mr. Taft was obtained were not employed without creating conditions full of danger, but the subsequent destruction

by Mr. Roosevelt of the President whom he had created was made possible very largely by the general disintegration of Republican opinion which resulted from the assaults launched against those basic institutions of government for which the party, and its predecessors, had been originally sponsors.

This, then, was the psychological background of the most tremendous political reaction in the whole history of the American experiment in government, which produced the annihilation of the speakership of the House of Representatives, the second most powerful office in the government.

In the events through which these vitilizing, as well as destructive, impulses are visualized, Mr. Roosevelt was an actor, but he did not initiate the powerful movements of spiritual and intellectual forces which afterward he consolidated.

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 The ethical impulses which brought about the downfall of the structure of party government in the House of Representatives originated in the country, among the people, and not in the House, nor in Washington.
 ▶
 The House itself slowly responded to a demand for reform in general, which finally centered upon the speakership in particular as the seat of the power in Congress against which the public will, or rather a minority will, had set itself. The elements which contributed to the composition of this determined, if, at the beginning, small popular opinion, were numerous. They found their vitality in the most contemptible, and in the noblest of motives, in impulses which on the one hand sprang from the purest of ideals in politics, and on the other from selfishness and greed.
 ◀
 Although all these forces, which finally brought

together in a common enterprise the ultra "reactionary" and the "radical," reached their climax in the attack upon the speakership in 1909 and 1910, and upon the Senate, and the system of making political nominations, they were not born at the same source of inspiration, nor did they exert themselves during the same definite period of time.

The destruction of the speakership was acquiesced in by the House in consequence of a temporary coalition formed in that body between a minority of the Republican party, and the Democratic party, both of which, unfortified themselves by power, and having no power to lose, yielded to a demand which the majority of the majority party, fully clothed with a great power, felt strong enough to resist, and which it did resist.

The oligarchy which had grown up around the Speaker was inherently selfish. It constituted a privileged class of leaders in whom the development of arrogance was inevitable. It was by nature a close corporation, and subconsciously its instinct was to perpetuate itself. It became aristocratic and exclusive. It governed well, but it governed in accordance with its own ideas of what constituted good government. It was proud, and justly so, standing, as it did, at the head of the most majestic parliamentary body on earth. Its very perfections constituted its greatest weakness. It became narrow through pride, and overconfident.

Against the system which was thus strongly entrenched in power the ambitious young Member of the House, gifted with qualities of high ability, anxious to make his influence felt by participating in the shaping of legislative policies, fresh from the people and desirous of translating into laws some of the emotion-

alism and idealism which stirred them, and uncontaminated by that spirit of clan and class bred by long years of service in the atmosphere of Washington, found it well-nigh impossible to exert the full force of his intellectuality and character.

Impatience for promotion which the system rendered difficult of attainment for the man without wealth and social position, factors which counted heavily, led to a restlessness which was quickly translated into resentment by men of high temper and imperious will coming from constituencies which were being agitated to the depths of their soul by the quickening impulses of the political renaissance.

The power which behind the entrenchments of the rules held the strategic positions and dominated the House with weapons in whose use it was trained, was quick to note the appearance, upon the floor, and in committee, of men who showed a disposition to be intractable. The spirit of incipient revolt was crushed at the outset. The methods used were often questionable. Men who would not fall into line were punished in petty ways which were contemptible. They found it impossible to obtain appropriations for their districts in the special bills for river and harbor improvements which were brought in from time to time. The man who wanted a new court-house, or a federal building, in his district, was intimidated. The "pork barrel" bill was an institution under the old system, and, bluntly speaking, men were bribed and sold their birthrights for a mess of post-offices. There were times when the atmosphere in the House was not wholesome, when men's motives were questioned, if not openly, at least secretly, by their fellow Members.

When insurgency had increased to a point where it began to excite serious alarm, the most drastic measures of punishment were employed. Members were removed from their places on committees. Not only were the doors to advancement in the House closed to them, but they were deprived of their rights and privileges and curtailed in their opportunities to serve their constituents and the nation. When the oligarchy was forced on the defensive it fought viciously. Its very efforts to defend itself furnished arguments against it.

As the insurgent movement, the parent of the progressive movement, spread across the continent, finding a responsive echo in every part of the Union, it was increasingly reflected in the House. It was embraced by men of the highest personal character and of recognized intellectuality and ability. The voices of the exponents of the new theories of political morality were heard also in the Senate, faintly, at first, and then in increasing volume. Men like Albert J. Beveridge, of Indiana, and Jonathan P. Dolliver, of Iowa, had already, in the Sixtieth Congress, sounded a note that was to swell into a mighty chorus. William E. Borah, of Idaho, had made his first appearance, and in the succeeding Congress Allison, the venerable Republican leader, had passed on, and Cummins had taken his place, fresh from his spectacular battle with the railroad power. LaFollette was there, then as afterward a solitary figure, standing a little apart from all others. These men, all strong and able, all imbued with progressive ideas, were destined to be the advance guard of a small army of statesmen whose minds had felt the liberalizing influences of the new day and who

142 THE LEADERSHIP OF CONGRESS

carried with them into the Senate ideas which were to change that venerable institution out of all semblance to its former self. As yet the places of power were held by the distinguished men who belonged to a régime that was passing, never to return. New England was still "in the saddle." Hale and Frye, of Maine, stood first and second on the Senate roster, and Aldrich, of Rhode Island, third, and ~~Gallagher~~ ^{Gallagher}, of New Hampshire, and Lodge, of Massachusetts, ranked six and seven, in the Congress which was to witness the fall of the speakership.

CHAPTER X

THE REVOLUTION OF 1910

BY THE winter of 1909 the reaction against the established order in Congress was running in full tide. It was accentuated by the dissatisfaction with which the Payne-Aldrich Tariff Law had been received. A new word, "insurgency," had passed into the coinage of every-day speech. The attacks against the speaker-ship were coincident with a wave of criticism directed against the new customs revenue law, a criticism by no means wholly partisan, and which doubtless drew a part of its virility from the fact, as was charged, that Mr. Cannon had declined to use the power vested in him to favor certain powerful business interests. Some of the leading Republican newspapers about this time joined in the demand for the removal of the Speaker, but it is no part of the purpose here to discuss their motives.

It was said of Mr. Cannon by his opponents within his own party that he was "riding the very whirlwind and directing the storms for his party."

The system which Mr. Speaker Reed had perfected was designed to be unbending. The great leader who had raised party government in the House to an unprecedented height of power never dreamed that the organization which he had fashioned could be successfully challenged by the party which had sponsored it, and which had risen to greatness through its instru-

mentality. His lieutenants, who had come into power themselves upon his retirement, had been trained in a school which taught only the lessons of strength, not of weakness. Like Napoleon's drummer boy they had never learned to sound retreat. Mr. Cannon and his associates met the storm standing. They would not yield, nor did they flinch. Only once did they compromise, and then neither with sincerity nor good faith. This was with respect to the adoption of the rule establishing "Calendar Wednesday."

They had no conception of the moral strength of the forces which had been loosed upon the country. They believed, at least in the beginning, that they were called upon to contend against merely an insurgency in the ranks of the dissatisfied of their own party in the House, and with such movement they felt able to cope. It was the augmentation of this small group of sincere rebellants against the stern discipline which the leadership of the Republican party imposed as an obligation of loyalty, by faint-hearted recruits responding slowly to the increasing progressivism of the country, which brought about the final party catastrophe.

To this last class belonged certain men who would have been tractable enough, however much the system irked them, if they had not been peculiarly susceptible to those influences in the country outside of the House to which the uncompromising veterans of the old régime were at first indifferent and afterward bitterly hostile. Thus a moral sentiment in the nation encouraged revolt in the House, a sentiment by no means wholly political, but one which permeated the whole fabric of social life. Speaker Cannon met it in the

spirit of 1889, not 1909. His position seemed impregnable. He towered above the House like Gulliver in Lilliput.

"I have seen this man," said one of the leaders of the minority, "wield more power than the President." In point of influence and authority unquestionably at this time he occupied the second office under the government. The House, under his leadership, had even gone so far as to lay upon the table a displeasing communication from the President of the United States, a most unusual rebuke. The germ of the power of the speakership originally implanted in the Colonial Assemblies had produced a mighty product. The delicate balance of the constitutional plan of government was being disturbed by the aggrandizement of the legislative branch, and public opinion was at work subconsciously to restore it.

The idealists in the nation at large and the selfish seekers of that special preferment which the power of the speakership declined to give, unconsciously worked together for the accomplishment of the same end but actuated by different motives. As for a fundamental reform in the very structure of the governmental system, such a thought was in the minds of only a few of those who finally brought it about. In the end the House surrendered, not all at once, but gradually, and prepared, at the insistence of an organized minority in the country whose strength nobody knew, or could exactly ascertain, and which is not known to this day, to weaken the rules of the House which had been adopted in order to provide for the orderly conduct of business under the constitutional mandate. At the demand of the people the House

* prepared to render itself incapable of serving the people to the best of its ability, and in accordance with the solemn injunction of the Constitution, through the exercise of powers with which the organic law had clothed it for that specific purpose.

In a spirit of liberalism not untouched with hypocrisy the very Republicans who had assisted Mr. Reed and Mr. Cannon in fastening the rules upon the House for their own advantage and that of their party and their constituencies, and who had consistently voted for the measures which they and the party had favored, and against those which they had opposed, joined the ranks of the insurgent idealists, who had arrayed themselves against restrictive party discipline from motives of altruism and because they desired, by destroying the power of the speakership, to liberalize the rules as a step preliminary to the introduction and passage of measures liberalizing the laws.

Hence, so far as a large part of the Republican majority of the House was concerned, the movement against the power of the speakership was predicated on expediency and not sincerity.

The movement was none the less successful, however, in consequence of the dissimulation which permeated it; but it was to lead to confusion in the end because, being so largely selfish it was contrary to the political traditions and genius of the Republican party.

✓ At this time all but the extremists among the insurgents still believed in government through political parties, and subscribed to the doctrine that the majority should rule; but they also held that the members of a minority within a majority had the moral right to use their best endeavors to see to it that the minority

of to-day became the majority of to-morrow. If this policy could have been pursued harmoniously a reformation in the House might have been accomplished gradually, and not through the destruction of the machinery of party government, by working such changes upon the minds of individuals as to bring majorities to the support of those measures advocated by the progressive groups. But this theory did not make due allowance for the human equation. The regular leaders of the party could not disassociate impersonal criticism from personal criticism. Opposition to the abstract idea to which the organization leaders subscribed as a matter virtually of political faith, of party religion, was construed by these men at the head of the organization as being opposition directed against themselves personally and the party as a whole. Thus animosities were engendered, and men who had begun by being mild reformers within their party speedily found themselves outside the pale. Thus insurgency in the House fed, like a sore, upon itself.

The crisis was precipitated without warning on March 16, 1910, a memorable date in the history of the American Congress. It was "Calendar Wednesday," and under the new rule there should have been a call of committees. With that surprising lack of psychic instinct which is the cause of the downfall of most organized force, the organization had determined to ignore the will of the House, and to deal this innovation a serious blow at the outset.

Under the Calendar Wednesday rule no other business was in order unless that rule were dispensed with by a two-thirds vote of the House. Calendar Wednesday could be set aside only by business of higher privi-

lege. Mr. Crumpacker, of Indiana, chairman of the Census Committee, one of the minor subalterns of the organization, called up for consideration a House joint resolution from that committee, providing for an amendment to the law for taking the census, and the Speaker ruled that it was privileged under the Constitution, and quoted decisions by Speakers Reed, Keifer and Henderson. A point of order having been made against the motion of Mr. Crumpacker, it was overruled by the Chair. From this decision Mr. Fitzgerald, of New York, appealed, and said, in reply to a question asked by Mr. James R. Mann, of Illinois, one of the leaders of the organization, that it was his contention that no business could be presented to the House on Calendar Wednesday without dispensing with that call by a two-thirds vote. The clearest exposition of the case was made, from the Democratic side, by Mr. Underwood, of Alabama, at that time the most promising figure in the House on either side of the center aisle.

"I am very much opposed to the ruling of the Speaker in this case," he said, "and hope the House will reverse the decision of the Chair, because I believe if the decision of the Chair is adopted as the ruling of the House in this case Calendar Wednesday will pass away and be of no more benefit to the House than is the original right to call the calendar. The reason you could not do business under the old rule on the call of the calendar was that the chairmen of committees, under direction of the Speaker or the Rules Committee, could inject between the House and the calendar other business that they denominated as privileged business,

and your calendar was gone. Now, the House in its wisdom in adopting the rule for Calendar Wednesday, said that this Calendar Wednesday should not be interfered with except by a two-thirds vote of this House. That does not mean a ruling of the Speaker; that does not mean a decision of the Speaker as to whether a matter is privileged or is not privileged. It means a vote of two-thirds of the Members of this House. If the gentleman from Indiana had brought this bill into the House on some other day besides Calendar Wednesday, could not the House have rejected the consideration of his bill by a majority vote? Then, if the House can refuse to consider a question of taking the census or relating to the taking of the census on any day of the week, why can not it by its rule say it shall not be in order to consider it on one day in the week? If it is in order because it is privileged to consider this bill because it relates to the taking of the census, it is equally in order to consider to-day a bill raising revenue. Does not the Constitution of the United States fix the duty on Congress and on this House to consider all revenue bills? Is a bill to take the census of any more vital import to the people of the United States than a bill to raise revenue to support the government? Is it of any greater privilege or has it been considered of any greater privilege in the history of this House? Not at all. And therefore if this House to-day votes to sustain the Speaker and recognize the bill of the gentleman from Indiana as privileged, and thereby set aside Calendar Wednesday, you open the door to inject between you and the call of the calendar an appropriation bill, a revenue bill, and other matters of privilege.

that will destroy the rule you adopted in the last session of Congress for the benefit of this House.*

"Therefore I say it is of the utmost importance that the membership of this House shall, when the roll is called to-day, declare whether they stand for the House to attend to the business that the House thinks should be considered, or whether they intend to go back to the old system and allow the Rules Committee to say to you what business shall be transacted in this House."

Mr. Crumpacker called the attention of the House to the fact that the resolution was privileged under the Constitution because it related to a duty which the Constitution expressly requires Congress to perform every ten years.

"If this resolution is not privileged to-day," he said, "it has no privilege at all. I want the membership to bear that proposition in mind. If this resolution does not go through to-day, it can not go through, because if it has any privilege at all, it is not under the rules of the House but in spite of them. If it has any privilege at all it is under the Constitution; and if the rules are higher than the Constitution to-day, they will be to-morrow, and every other day of this session of Congress. There is no use in quibbling about this proposition."

These two statements joined the issue. The whole House saw that it must come to a momentous decision. Among the insurgents there was already a realization that they had come to the parting of the ways. Mr. Townsend, of Michigan, one of the more conservative of the progressives, a man who, with Mr.

**Congressional Record*, Sixty-First Congress, second session, p. 8248.

Esch, of Wisconsin, had brought into the House the first railroad reform bill, before the Hepburn Bill had been fathered by President Roosevelt, said frankly that it would mean an end of Calendar Wednesday if the decision of the Chair should stand.

"The Chair in ruling that this is a privileged question," said Speaker Cannon, at the conclusion of a technical debate, "follows a uniform line of precedents wherever the matter has been ruled upon in the history of Congress.

"Now, in order that Calendar Wednesday may be protected, gentlemen say that the Chair should be overruled and a precedent established that no business of any kind can come up for consideration on Calendar Wednesday. 'But,' says somebody, 'what harm can it do?' So far as the Chair is personally concerned, whatever might perhaps be in the mind of one or more Members, seemingly to rebuke the Chair, through pique or otherwise, the Chair cares nothing about a proposition of that kind. If the House sees proper to overrule the precedents and to make this precedent that may come to plague the House in the future, well and good. The House has the power to do it, and the Chair has no feeling of pride or vanity in the premises. 'But,' says somebody, 'is the House bound to consider this question when it is before the House?' No. There is no possible question that can come before the House that it is bound to consider. On the question of consideration, if the point of order had not been made upon this joint resolution, the House could have refused to consider it. That is one way in which the House could have gone on with Calendar Wednesday.

"Having said this much, if the Chair has succeeded in placing the House in possession of the reasons which caused him to make the ruling he did make, he is quite content, as the Chair must be, with what the majority of the House may do. If the Chair was four inches wide and a thousandth of an inch thick, the Chair would feel some gratification if the House should see proper to overrule the Chair upon the point of order that the action of the majority of the House, under its rules, in reversing the present Speaker, would make it plain that he has no more and no less authority than any Speaker who has preceded him, and would set at rest the question whether the Speaker 'doth, like Colossus, bstride the world.'"

The Speaker then put the question, "Shall the ruling of the Chair stand as the judgment of the House?" and Mr. Underwood demanding the yeas and nays, the vote was yeas, 112, nays 163.*

"The decision of the Chair does not stand as the decision of the House," announced the Speaker. "The call rests upon the Committee on Military Affairs."

As Mr. Cannon's gavel fell an epoch in the long and brilliant history of the American House of Representatives came to an end. A new era had begun. It was not that the Chair had been overruled by the vote of the House. The significance of this vote lay in the fact that the oligarchy had been met in parliamentary battle to the death, and that it had gone down to defeat on an issue which lay at the root of the greatest question then agitating the national mind. The effort of the organized leadership with its vast

**Congressional Record*, Sixty-First Congress, second session, p. 3251.

powers to thwart the will of the liberals and balk them of the fruits of the first victory they had won, in gaining Calendar Wednesday, had failed. If Mr. Cannon had been psychic he might have read the handwriting on the wall, but he was not, not even then. J

While this contest had been in progress, and the fate of Calendar Wednesday was being determined, Mr. George W. Norris, a Member from Nebraska, had been an interested spectator. In his pocket there had been for a month a resolution proposing the most radical revision of the rules of the House that had been advanced in half a hundred years. It was aimed directly at one of the three great powers of the speakership. Mr. Norris was an insurgent of pronounced type. He had long been out of sympathy with his party, belligerent, combative and aggressive in his opposition to the system of House government under the Speaker. He was outside the breastworks of his party, "off the reservation" as they would say in the Indian country whence he had come. L

So perfect was the system through which the oligarchy which surrounded the Speaker functioned that although Mr. Norris was a resourceful man he had found no means to batter down the fortifications in which it was entrenched. He could not get consideration for any resolution which he might seek to offer proposing an amendment of the rules of the House. It would simply lie in a committee pigeonhole, and he could obtain no report upon it. He could not hope that the Speaker would permit him to present it to the consideration of the House, for the Speaker's absolute power of recognition enabled him to ignore the pres-

ence of the recalcitrant Norrises of the House as completely as though they did not exist. The Nebraska Member's resolution was becoming dog-eared in his pocket. He could find no opportunity to bring it before the House. The action of Mr. Crumpacker, in seeking to set aside Calendar Wednesday by calling up a resolution privileged under the Constitution, presented him with one.

On the day following the reversal of Mr. Speaker Cannon's decision, March seventeenth, Mr. Norris arose in his place, and offered a resolution "made privileged by the Constituion."

"If it is a resolution made privileged by the Constitution," said the Speaker, "the gentleman will present it." There was laughter, which quickly died away. The resolution was sent to the desk, and was read. It proposed the abolition of the existing Committee on Rules of five members, and the substitution therefor of an elective Committee on Rules of fifteen, which should select its own chairman, and of which the Speaker should not be a member. It would have stripped from the speakership at a single stroke one of the greatest sources of the power of that office.

The organization instantly perceived its danger, although it is doubtful whether it fully appreciated the extent to which the "boring from within" processes had been carried by the liberal leaders of the Republican side. Mr. Dalzell, of Pennsylvania, the ranking Republican member of the Committee on Rules, and who was, with Mr. James A. Tawney, of Minnesota, chairman of Appropriations, and Mr. Payne, of New York, one of the principal Floor Leaders of the party, made the point of order against the Norris

Resolution that it was not privileged, and therefore not in order.

Mr. Norris argued that the resolution was privileged under that clause of the Constitution which gives to the House the power to determine its own rules of procedure. He was warmly supported by Mr. Underwood, and the parliamentary defenders of the organization vainly sought to ward off the deadly blow which was impending. Mr. Dalzell even made the specious argument that the House was not compelled to make rules to carry on its business, and cited the fact that in the Fifty-First Congress the House for a considerable time had proceeded without rules and under the ordinary parliamentary law. He declared that there was no mandatory command upon the House to make rules. The House realized, of course, that by its vote it could make the resolution offered by Mr. Norris a matter of the highest privilege, that it had the power to amend the rules.

The Republican insurgents and the "near insurgents" were suddenly confronted by an opportunity to disclose to the country the extent of their sincerity. They could not avoid the issue presented. It was sharply drawn, and so complete had been the intellectual awakening of the people that the most unsophisticated could grasp it. The liberals must either stand by their party's organization, and give a new lease on life to the leadership which controlled the House under the Speaker, or they must take a step toward the destruction of Republican solidarity by forming a temporary coalition with the minority. The reform which so many Republicans earnestly desired and to which so many had pledged themselves when

the question was theoretical, could be accomplished only with Democratic assistance.

That the Speaker was ready to sustain the point of order which had been made nobody doubted. The only way in which the resolution could be adopted and the Committee on Rules taken from the control of the Speaker would be for the House to overrule the decision of the Chair; and on a point of such vital importance that would mean not merely insurrection, but revolution. The minority side frankly offered their aid, and, indeed, there had been prior to this time many conferences between insurgents and Democratic leaders upon this very question.

Mr. Champ Clark, of Missouri, recalled to the recollection of the House that the occupant of the Chair had repeatedly stated that the House had the right to elect a new Speaker whenever it pleased, and Mr. Cannon replied that this was undoubtedly true; and that it could proceed, if it desired, to elect the gentleman from Missouri that very day, a threat, to force the liberal Republicans into a more advanced position than most of them were willing to take, the strategy of which was not lost upon the more thoughtful of the insurgents.

"I remember hearing the Speaker say one day," said Mr. Clark, "that this House could pass an elephant through the House if it wanted to, and that seems to me to be 'going some'—to use a slang phrase. . . . Well, now, if we can change the Speaker, why can not we change the rules? . . . Suppose that a majority of the Members of this House had made up their minds to change these rules. How are you going to do it? If it is not a matter of privi-

lege and you can not get it up that way, how are you going to accomplish it? Suppose some gentleman here offers an amendment to the rule or a new set of rules or a new rule. He puts it in the basket. It is referred to the Committee on Rules and it might as well be referred to the sleepers in the catacombs. I violate no secret when I tell you the committee is made up of three very distinguished Republicans and two ornamental Democrats. They have a majority of one, but a majority of one in a committee of five is as big a majority as a majority of forty-seven is in this House, and my own opinion is, both from observation and experience, that there never would be a rule reported out of that committee that the Speaker and his two Republican colleagues do not want reported. It is an impossibility in nature."*

The Republican organization quite clearly understood, of course, that the question raised was not merely one of rules, that it involved, in effect, the question of a change in party control, and a breaking down of the whole constitutional plan of government by parties. They also quickly grasped the salient fact that there was also bound up in the question the immediate party necessity, the success of the administration of President Taft. Mr. Taft was none too secure in the country, and much of the inspiration of the revolt within the House was coming from without the House.

Insurgents against the power of the speakership were encouraged by the support they were enjoying from public opinion, which was rapidly becoming

**Congressional Record*, Sixty-First Congress, second session, p. 8294.

highly organized. They brought their indictment against the House system in words which vibrated throughout the nation.

"All that men prize here of patronage, of privilege, and of power," said Mr. Nelson, of Wisconsin, "we have had to forego for the sake of principle. Have we not been punished by every means at the disposal of the powerful House organization? Members long chairmen of important committees, others holding high rank—all with records of faithful and efficient party service to their credit—have been ruthlessly removed, deposed, and humiliated before their constituents and the country because, forsooth, they would not cringe or crawl before the arbitrary power of the Speaker and his House machine.

"Plenty of proof is at hand. Let me cite an example or two. The distinguished gentleman from Wisconsin, Mr. Cooper, was made chairman of the Committee on Insular Affairs by Speaker Henderson at the urgent request of President McKinley, because the Chief Executive desired a man at the head of that great committee who would not permit the exploitation of the Philippine Islands. What was done to him by the present Speaker? What was done to Mr. Fowler, Mr. Norris, Mr. Haugen, and many others? The Speaker did not hesitate to swing the headsman's ax nor the regulars to rejoice when an insurgent's head fell into the basket.

"The gentleman from New York," he went on, referring to the defense of the system which had been made by Mr. Payne, chairman of the Committee on Ways and Means, and the Floor Leader under Mr. Cannon, who had declared that the rules as they

existed were essential to the transaction of business and the protection of minority rights, "says we have grievances. Aye, we have, and many; but the gentleman does not state that these grievances arose after we had begun this fight on the Speaker's power and for the restoration of representative government in the House. The gentleman well knows that we are not seeking self-interest. We are fighting for the right of free, fair, and full representation in this body for our respective constituencies. The so-called insurgent Republican represents as good citizenship as the regular does. The 200,000 or more citizens of the second district of Wisconsin have some rights of representation here under our Constitution. But what is that right under the despotic rules of this body? Merely the privilege to approve the will of a Representative from another state invested with despotic power under artificial, unfair, and self-made rules of procedure.

"We know, indeed, by bitter experience what representation means under these rules. It means that we must stand by the Speaker, right or wrong, or suffer the fate that we have endured. Let no one accuse us, therefore, of an alliance with Democracy for unworthy purposes. We are fighting with our Democratic brethren for the common right of equal representation in this House, and for the right of way of progressive legislation in Congress; and we are going to fight on at any cost until these inestimable rights have been redeemed for the people."

The House knew as it listened to this merciless indictment of the speakership that it was true. Members were there who had been removed from their

committee places, because they had displeased the organization, through the exercise of a power which had raised the speakership of Mr. Cannon to an unprecedented height. Mr. Fowler, of New Jersey, had been chairman of the Committee on Banking and Currency in the Fifty-Ninth Congress. He was no longer a member of that committee. Mr. Victor Murdock, of Kansas, one of the pioneers in insurgency, had been moved downward from the fifth or sixth place to the tenth or eleventh place on the Committee of Post-Offices and Post-Roads:

As these and similar disclosures were made to the House Mr. Cannon, on the defensive, took the floor and in vigorous words which laid bare the whole theory upon which he governed the body over which he presided explained the position of the organization and its conception of party government.

"The appointment of the committees," said the Speaker, "is made by the Speaker under the rules; unless the House should otherwise specially order. The Speaker of the House in the exercise of that function is responsible to the House and to the country, this being a government through parties, and the Republican party has placed power in the Speaker as to the appointment of committees. I will not enter upon the personal equation touching the gentleman from New Jersey [Mr. Fowler], the gentleman from Kansas [Mr. Murdock], or the gentleman from Wisconsin [Mr. Cooper]. The gentleman from Wisconsin [Mr. Cooper] will recollect that the gentleman from New Jersey [Mr. Fowler] was chairman of the Committee on Banking and Currency when the emergency currency bill was pending in that commit-

tee. The only way to consider that bill in the House was to have that committee make a favorable or an unfavorable report upon it.

"The gentleman will further recall that the Republican side of the House held two caucuses, and the caucus by a large majority expressed its wish that the Committee on Banking and Currency should report that bill with or without favorable recommendation, so as to enable the House to work its will upon it by a majority. That committee, under the leadership of the gentleman from New Jersey [Mr. Fowler], a Republican chairman, *refused to respect the will of the Republican caucus*. That made a foundation upon which the Speaker of the House could recognize a Member to move to suspend the rules and discharge the committee from the consideration of the bill and thus bring it before the House, which was done, and a majority of the House did work its will upon that bill.*

"Subsequently the gentleman from New Jersey [Mr. Fowler], the gentleman from Wisconsin [Mr. Cooper], the gentleman from Kansas [Mr. Murdock], and the gentleman from Nebraska [Mr. Norris] failed to enter and abide by a Republican caucus, and this being a government through parties, for that, as well as for other sufficient reasons, the Speaker of the House, responsible to the House and to the country, made the appointments with respect to these gentlemen as he conceived it to be his duty in the execution of the trust reposed in him."

Speaker Cannon thus enunciated the doctrine that

**Congressional Record*, Sixty-First Congress, second session, p. 3321.

party loyalty was the highest consideration, that members of a party were bound by the action of the party caucus, and could, and should, be punished for failure to abide by its decision. It was not a new creed, nor was it repugnant to those believing in government through parties. But Mr. Cannon was not wholly frank, for the facts are that he had punished men not because they had taken a stand in opposition to an important measure of party concern, for others had done this without sacrifice of their party standing, but because they had shown tendencies of independence repugnant to the party theory. It was not so much that the insurgents had opposed bills which the party had determined to favor, as that they had aimed a blow at the very heart of the system through which the party exercised its will. The insurgents denied in toto the theory that a caucus majority had authority to control the vote of the individual member of the party against his honest judgment.

The system of government founded upon the strict party principle did not lack defenders when it was thus put on trial, not only at the bar of the House, but at the bar of public opinion. Mr. James R. Mann, of Illinois, one of the lieutenants of Speaker Cannon, was in some respects the ablest parliamentarian in the House, not so much because of his really profound knowledge of the rules and precedents of the House, as in consequence of a peculiar adroitness of mind which enabled him to twist and turn these rules and precedents to fit his requirements. When his knowledge and memory were challenged he was not often found in error, but he possessed in addition an audacity which permitted him to interpret the basic

laws of the House in a manner suitable to the emergency. His defense of the organized despotism which Reed had bequeathed to Cannon is significant in view of the unique position which he was to occupy in the House at a later date under a different régime.

"On the whole," said Mr. Mann, "the rules of the House are probably the best considered, most scientifically constructed and finely adjusted rules governing any parliamentary body on earth. The proceedings in the House, while sometimes boisterous, are always orderly. No such scenes and no such arbitrary action can take place in the House as I have often witnessed in the City Council of Chicago and the legislature of my state. But there never has been and there never will be any set of rules devised by which each one of four hundred Members of the House can at any time bring each one of thirty thousand bills before the House for immediate consideration and disposal.

"It is not true that Speaker Cannon or any other Speaker is an autocrat in the House. It is true that the present Speaker is the leader and strongest influence in the House, and that he has been so for ten years, dating back to a time before he was Speaker and from the time that Speaker Reed left the House. We may some of us revile him temporarily. Great men have been abused at all times—such is the history of mankind—but when the book of history of this generation shall have been written, together with the legislation that has been enacted, the years of the speakership of Mr. Speaker Cannon will stand out among the most brilliant in the history of our country."

The debate up to this point had continued without interruption for thirteen and a half hours, and con-

sidering the vital question at issue must be considered as one of the most important discussions which had taken place in the House of Representatives in its entire history. Mr. Cannon and the party leaders did everything possible to postpone the inevitable decision on the point of order which had been raised against the Norris Resolution, and Mr. Shackleford charged that the Speaker was seeking to "browbeat and whip in" enough to give him a majority. Motions made from the ranks of the regular Republicans for a recess or an adjournment were defeated, and the battle raged all day, of the seventeenth, all that night, and into the next day, during a continuous session of twenty-nine hours. Absent Members were awakened at their homes, and taken from their beds at four o'clock in the morning to make a quorum. Finally late on the afternoon of the eighteenth an adjournment was secured. At a little after noon on the following day Speaker Cannon announced that he was ready to rule on the point of order made by Mr. Dalzell against the Norris Resolution, and he did rule, sustaining it. On this decision he was reversed by the House, and the mighty power of the speakership was dealt a deadly blow, from which it was not to recover. In thus ruling that the Norris Resolution was not privileged the Speaker was doubtless parliamentarily correct, and sustained by precedents, but the House was not concerned with the fine points of parliamentary law. It was confronted by an issue about which there could be no quibbling. On this question, to sustain the decision of the Chair, the ayes were 162, and the nays 182. The insurgents, cooperating with the Democratic party,

had achieved their second victory, this time a decisive one.

This brought the Norris Resolution before the House, and its author offered a substitute for it which his associates had preferred to the original. This provided* that for the existing Committee on Rules of five members, appointed by the Speaker, and of which the Speaker was the chairman, there should be *elected by the House* a Committee on Rules of ten members, of whom six should be members of the majority and four of the minority, and of which the Speaker should not be a member. It was provided that the committee should elect its own chairman from its own members, and that within ten days after the adoption of the resolution there should be an election of this committee, whereupon the existing committee should be dissolved.

Mr. Champ Clark, of Missouri, opened the debate on the resolution which then followed, and in view of the position which afterward he came to occupy in the House, the conception of the speakership which he then stated as being his own has a peculiar significance.

"So far as I am concerned," said Mr. Clark, "and as far as the men who have cooperated with me are concerned, so far as I know, this is a fight against a system. We think it is a bad system, as far as this Committee on Rules has been concerned. It does not make any difference to me that it is sanctified by time. There never has been any progress in this world except to overthrow precedents and take new posi-

**Congressional Record*, Sixty-First Congress, second session, p. 3429.

tions. There never will be. Reformers and progressives are necessarily and inevitably iconoclasts.

"I want to say another thing, so far as I am concerned. There is no other proposition pending in my mind on my own initiative or by agreement with anybody except the one that is pending here to-day. I have believed ever since I was in the House long enough to understand the work of the Committee on Rules that the fact that the Speaker of the House was chairman of that committee, and practically the Committee on Rules, gives the Speaker of this House more power than any one man ought to have over the destinies of this republic.

"Macaulay says that Sir Robert Walpole was avaricious of power. I am not certain but that the illustrious historian might without exaggeration have extended that remark so as to include the entire human race within its scope. It is for that very reason that restrictions, constitutional and otherwise, are placed upon public men—even upon hereditary kings, emperors and potentates. And every such new restriction smashes precedents. We had made up our minds months ago to try to work the particular revolution that we are working here to-day, because, not to mince words, it is a revolution. I have no fear of revolutions, for men of our blood revolutionize in the right direction. The enlargement of the Committee on Rules even in itself has some beneficent features attached to it, simply that and nothing more, because it takes into consideration . . . the larger portion of the country. But I am not giving my adhesion to any proposition concerning this rules business that does not remove the Speaker now, and, so far as we can control it, for all time to come, from the Committee

on Rules. That is my position, and in that I speak for the Democrats of the House and the insurgent Republicans. We are fighting to rehabilitate the House of Representatives and to restore it to its ancient place of honor and prestige in our system of government.

"You can not restore to the membership of this House the quantum of power that each Member is entitled to without taking from the Speaker of the House some quantum of the power he now enjoys, because he practically enjoys it all. On this proposition I could wish that there could be a unanimous vote of this House, but that is a hope too fantastic for entertainment. We want to try this experiment. If it does not work well, Mr. Speaker, the House at any time can change it, because it has now been definitely settled that this House can do what it pleases when it wants to do it."

The Norris Resolution as amended was adopted, 191 to 156, and Mr. Cannon, who thus suffered the most severe defeat that had been administered to a Speaker of the House of Representatives since the establishment of the government, by a shrewd move succeeded in softening the effect of that blow at his prestige in the country. Declaring that the vote had shown that there was "no coherent Republican majority" in the House, and reasserting his belief in the theory of party government and the principles of majority rule, he announced that he would entertain a motion that the Chair be declared vacant, in order that the House might proceed to the election of a new Speaker.

Such action was no part of the carefully prepared plans of the Republican insurgents. Few of them were willing to go so far as the repudiation of the Republi-

can head of the House. Many of them had expressly stipulated that no such step should be taken. Others realized that in the event of a motion to declare the Chair vacant being defeated, Mr. Cannon would stand before the country in a very considerable degree vindicated. Mr. Norris at once moved that the House adjourn, but Mr. Burleson, of Texas, an impetuous man, with a keen dramatic sense, offered a resolution providing that a vacancy in the speakership be declared, and that the House proceed at once to the election of a Speaker. Although Mr. Sherley, of Kentucky, insisted that a motion to adjourn was not debatable the Speaker, the House being in the greatest confusion, with dozens of Members clamoring to be recognized, packing the aisles and threatening violence to one another, entertained the motion of Mr. Burleson, and summoning Mr. Payne to the Chair, went to the floor. On the roll-call it was beaten, 155 to 192. The motion to adjourn which followed came from Mr. Payne, of New York, the Republican Floor Leader. Stripped of his power as chairman of Rules, so soon as the reform might be put into effect, the Speaker nevertheless emerged the head of his party.

A handful of Republican insurgents voted to remove Speaker Cannon, and it is interesting to trace briefly their subsequent careers. Three of them went to the United States Senate, Asle J. Gronna, of North Dakota; Irvine L. Lenroot, of Wisconsin, and Miles Poindexter, of Washington. Henry A. Cooper, of Wisconsin, returned to the House, and Victor Murdock became a national Progressive leader under Roosevelt, and a member of the Federal Trade Commission under President Wilson.

The House which accomplished this reform was not particularly a strong or brilliant one, for some of the great figures in both parties who had given such distinction to the Fifty-Eighth and Fifty-Ninth Congresses had passed away. Of the members of both parties who voted for the Norris Resolution fifteen afterward went to the United States Senate, Broussard, Gronna, Hardwick, Hitchcock, Hughes, of New Jersey, James, of Kentucky, Lenroot, Norris, Poindexter, Ransdell, Robinson, of Arkansas, Sheppard, Stanley, Townsend and Underwood. Three became members of the Cabinet under President Wilson, and one, Mr. Cox, of Ohio, in 1920 the candidate of his party for President. Of the 156 men of the Republican party who voted against the liberalization of the House rules only three reached the Senate, Calder, of New York, McKinley, of Illinois, and Weeks, of Massachusetts, and two, Weeks and Denby, entered the Cabinet of President Harding. Of the others five became leaders of the Republican party in the Sixty-Seventh Congress: Gillett, Speaker of the House; Mondell, Floor Leader; Campbell, chairman of the Committee on Rules; Madden, chairman of the centralized Committee on Appropriations, and Fordney, chairman of Ways and Means. Of the insurgents and Democrats who went to the Senate, ten yet remain there, while of the others only two are left.

During the struggle which ended so disastrously for the speakership, whose power had been developed almost entirely by the Whig and Republican parties, Mr. Lenroot had declared that the adoption of the Norris Resolution would do much to assure a Republican majority in the following Congress. His prophecy did not come true, and the Democratic party was restored

to power by the people. The action of the Republicans in weakening the power of the speakership was demoralizing in that it was contrary to the spirit and the genius of the party of Colfax, Blaine and Reed.

Since Clay's time the Whigs and Republicans of the House had functioned efficiently because their actions were predicated upon principles in which they believed as members of political parties. No party can be false to its own creed without loss of efficiency. Power is the natural complement of responsibility, and the sense of responsibility is impaired by curtailment power. For a hundred years the House in response to the dictates of its conscience had sought to preserve itself through the healthy exercise of its constitutional functions. The deliberate weakening of those functions reacted with powerful psychological effect, the most important manifestation being a lack of confidence.

The Republican House lost faith in itself when it took the first step toward the destruction of the second office under the government, an office whose powers it had nurtured and developed from the germ of representative democracy which the founders of the republic had received from the liberty-loving assemblies of the Colonies, and which they had implanted in the Constitution. The act weakening the power of the Speaker was an act of political unfaithfulness. It was as though the Catholic Church had abolished the College of Cardinals and elected a Methodist Pope.

The strong House had abdicated, as though to make way for the strong President.

The Committee on Rules at this time, in addition to Speaker Cannon, the chairman, was composed of Mr.

Dalzell, of Pennsylvania, and Mr. Walter I. Smith, of Iowa, Republicans; and Mr. Champ Clark, of Missouri, and Mr. Fitzgerald, of New York, representing the minority. Mr. Dalzell was one of the strongest men in the Republican organization, and was quite as much a part of the system against which the insurgents had launched their attack as was Mr. Cannon himself. The reform with respect to the Rules Committee having been accomplished, however, the Republican caucus meeting to elect the six majority members of the new committee provided for by the Norris Resolution, selected, in the order named, Mr. Dalzell, Mr. Smith, of Iowa; Mr. Boutell, of Illinois; Mr. Lawrence, of Massachusetts; Mr. Fassett, of New York; and Mr. Sylvester C. Smith, of California; while the Democratic caucus added to Mr. Champ Clark and Mr. Fitzgerald, of New York, who were already minority members of the committee, Mr. Dixon, of Indiana, and Mr. Underwood, of Alabama, the latter being next in rank to Mr. Clark under the new arrangement, and Mr. Dixon third.* Of this Committee on Rules of ten Mr. Dalzell, Cannon's trusted lieutenant, became the chairman. The Speaker's organization succeeded in considerable measure in "saving its face," but its grip upon the House was none the less effectually broken for all that. Five days after the Norris Resolution had been adopted the Speaker announced to the House a number of important assignments to committees which he had made. The power to appoint committees was to remain for a time as one of the prerogatives of the Chair, but not for long.

**Congressional Record*, Sixty-First Congress, second session, p. 3759.

CHAPTER XI

THE DESTRUCTION OF THE SPEAKERSHIP

CHAMP CLARK, of Missouri, came to the speakership at the beginning of the Sixty-Second Congress pledged to parliamentary reform. Upon that issue although not that alone his party had made the campaign which led to the election of a Democratic House in 1910, and which prepared the way for the larger measure of success two years later. The Denver platform of 1908 had specifically committed the party to such a revision of the rules of the House as should deprive the Speaker of his power. Moreover, in the preceding Congress Mr. Clark had publicly taken a position on the subject such as to have made him the exponent of the new idea on his side of the aisle.

The coalition of the Democrats and the insurgents of the Republican party which had made the revolution of 1910 possible had not been without its embarrassing possibilities. While the Democratic leaders, both for reasons of strategy and from conviction, favored the promotion of schism in the ranks of the majority, and the liberalization of the rules through which a minority influence might the more readily be exerted, there was a point beyond which they could not go in working with the Republican reformers. They kept constantly in mind the paramount importance of preserving the integrity of their party, and hence were not prepared at any time to make such a bargain with the progres-

sives as might require the sacrifice of political solidarity on their part.

When insurgency had reached such a point that the overthrow of the speakership had become a mathematical possibility by a combination of insurgent and Democratic votes, conferences were held in order that plans and details might be agreed upon. The Democrats consented to assist in the enterprise directed against the powerful Republican oligarchy, to whose destruction their party in national convention was already pledged. A satisfactory understanding was reached with respect to the removal of the Speaker from the Committee on Rules, but the probability of this action necessitating the reorganization of the House presented difficulties not easily to be solved. The Democrats were determined not to assist in the election of an insurgent Speaker, and, as subsequent events disclosed, the progressives were not willing to go to the extent of electing Mr. Clark, the minority leader, as the successor of Mr. Speaker Cannon. Perceiving the embarrassment that he could cause to the insurgents of his own party Mr. Cannon desired to resign the speakership when the House had shorn him of the great attribute of his power, and only the earnest pleadings of the regular leaders prevented him from doing so. The defeat of the Burleson Resolution declaring the Chair vacant gave to him a substantial vindication, and subjected the insurgents to the charge ? of insincerity.

The Democrats profited politically in the campaign of that year, and came into power in the House pledged by the platform of 1908 to the adoption of "such rules and regulations to govern the House of Representa-

tives as will enable a majority of its members to direct its deliberations and control legislation." The opportunity to carry out these promises, which implied a thorough and radical housecleaning, came within little more than a year after the revolution of March 19, 1910.

In the Sixty-First Congress Mr. Taft had proposed the enactment of a law providing for Canadian reciprocity. So long a time as this had been required for the fulfillment of the promise of McKinley's Buffalo speech! Roosevelt was not permitted to become a tariff reformer, and the protected interests of the country had been powerful enough in Congress to prevent any meddling with the work which Dingley had done so well for them. A bill was finally passed by the House of Representatives, but not by the Senate, and when the established order in the lower body had been overthrown by the elections of 1910, Mr. Taft held a conference with certain of the Democratic leaders, and frankly asked whether, in the event he called an extra session of Congress, they would pass the Canadian Reciprocity Bill. This they agreed to do, and the Sixty-Second Congress met in special session on April 4, 1911.

There had been meetings of Democratic Members-Elect to the Sixty-Second Congress in advance of this date, and agreements were reached that Mr. Clark should be elected Speaker and that a Floor Leader should be chosen. Mr. Oscar W. Underwood, of Alabama, the second man among the Democrats on the Ways and Means Committee, Mr. Clark having been first in the previous Congress, was decided upon for this post, and it was also determined that he should

DESTRUCTION OF THE SPEAKERSHIP 175

be advanced to the chairmanship of Ways and Means. He was selected as the majority Floor Leader of the new House first, and ostensibly independently of his prospective chairmanship.

These decisions were confirmed in the Democratic caucus, which also elected the other Democratic members of the Ways and Means Committee and authorized that committee to organize the House. It was the first time in the history of the House of Representatives that the power to appoint the standing committees of the House had been taken from the Speaker, and marked, therefore, the most radical reform that had yet been attempted in that body.

Nevertheless it was recognized by the Democratic party in the House that in such an assembly responsibility must be accompanied by power, and so the authority to name the committees of the House when taken from the Speaker was lodged theoretically in the most important committee of the House, but actually in the chairman of that committee. The Ways and Means Committee appointed the Committee on Rules,* and the caucus adopted a resolution that no man should serve on more than one of the fourteen major committees. Thus no members of Ways and Means were actually on Rules, but as a matter of fact the members of the latter were carefully selected because of their known and proved sympathy with Democratic principles and policies, and for their loyalty to the party.

Not only was the power of the Speaker to name the committees of the House and their chairmen denied

*The new Rules Committee, which had been given a membership of ten by the Norris Resolution, was increased, in the Sixty-Second Congress, to eleven, and was subsequently increased to twelve by the Republicans.

for the first time since 1790, but the concentration of a large part of the power of the speakership in the hands of the man who was, at once, both the majority Floor Leader, and the chairman of the most important committee, marked the initial appearance of a new idea of government in the established American system, a system which had been, up to this time, essentially the same in both the political parties which had, in one form or another, controlled the legislative branch of the government for more than a century. This was the European idea of a parliamentary minister responsible to his party for the successful prosecution of the party's program.

There were Democrats in the House who assisted in the reorganization of 1911, who deliberately and with a definite purpose sought the introduction of the European principle. Of course the idea was greatly modified. The head of the party in the House was to hold no position in the Cabinet, was to be in no sense a part of the executive branch of the government. Not only was the legislative function to be preserved wholly separate and distinct from the executive function; but actually it was accentuated, until the war arrested the tendency.

Nevertheless Mr. Underwood took his place on the floor of the Sixty-Second Congress in a rôle new to the long-established American precedents. Heretofore the Speaker had been the head of the House. For the first time the leader of the House was not at the rostrum, but was on the floor. Under the old régime the Speaker might lose control of the House, but he would still remain Speaker. Under the new system Mr. Underwood owed his place continuously to the success

with which he managed the party's affairs from the floor. If he had lost control of the House he would have resigned, and the caucus would have been confronted by the necessity of electing a new Floor Leader, and this would have carried with it the necessity of electing a new Committee on Ways and Means, the committee charged by the caucus with the responsibility for organizing the House. Obviously, under such a condition, the House would have to be organized anew in such a manner as to support the committee.

It so happened that Mr. Underwood never lost control of the House during the period he remained at the head of the Ways and Means Committee as the actual leader of the House, until he went to the Senate in 1915; but it can not be doubted that, in the present volatile state of American political opinion, a situation eventually will arise in the House in consequence of which a Democratic Floor Leader will lose control of the House on a bill involving principle and party. It will then be seen that what was attempted as an experiment and an expedient in 1911 has introduced something quite radical into the American parliamentary system.

The Democratic party carried out its reforms in the House in the Sixty-Second Congress with boldness and courage, in view of the extreme progressivism of American sentiment at that time. The great liberal movement had not reached its height, and the Democratic party was plainly dominated by a forward-looking element. Nevertheless the annihilation of the speakership was not permitted to include the destruction of all power in the House. Mr. Underwood's leadership was of such a character that the policies of his

party were carried out with firmness, and without wavering on the part of the rank and file. The Underwood Tariff Act was put upon its passage without a "gag" rule to speed it on its way. This extreme action was avoided, for the first time in the history of tariff making since the drastic rules limiting debate and the right of amendment had come into vogue in the House. The party moved forward steadily to the accomplishment of its purposes.

When Mr. Wilson became President the leadership of the party was to be found in the White House, but not to the extent under Mr. Underwood that afterward became true, due to conditions growing out of the war so unusual as to disturb the calculations of the political philosopher. Mr. Underwood, during his brief term at the head of the Ways and Means Committee, was the first Democratic leader of major significance which the party had had in the House of Representatives since Samuel J. Randall. Behind him the party functioned with admirable precision.

This was largely because the Democratic party, with engaging candor and a lack of that weakness which afterward, for a time, came to characterize the Republican House, preserved in all substantial respects the traditional caucus, an institution which had grown up with the American party system.

A considerable part of the rebellion against the oligarchy of Speaker Cannon had grown out of insurgent Republican hostility to the caucus. So far as the Republican party was concerned the progressive movement obliterated the binding caucus, and achieving this victory, the liberals of the Republican side considered that they had scored one of the greatest gains toward

the freeing of parliamentary procedure from the domination of the power of organized leadership.

The Democratic party had embraced progressivism, had profited by it in the elections of 1910, and had carried out campaign promises to the extent of reducing the Speaker of the House to a mere moderator. But it preserved the caucus, the binding caucus, whose mandates could not be ignored by any man who hoped to remain within the party fold. The caucus determined policies, by a two-thirds vote, and when a majority of that size had placed the stamp of party approval upon a measure, the minority was under solemn party obligation to support that measure, except in the most exceptional circumstances. Those who could not subscribe to the system would have to go. Democratic discipline thus kept the party intact behind the leadership.

The preservation of the binding caucus by the Democratic party, at a time when the Republican party, which had risen to greatness partly through its instrumentality, was abandoning it, was due to fundamental causes lying at the very roots of the difference between the two great political parties. The Democratic party, although a truly national party in a sense in which the Republican party has never been a national party, is also a sectional party. It stands for and represents "the Solid South." Whatever the conditions may be elsewhere in the Union, they are always favorable to the Democratic party below the Potomac and Ohio Rivers. However low the party fortunes may be elsewhere, from the South there invariably sits in the House a permanent force. This element naturally comes to possess a power peculiar to itself. It is im-

pervious to those demoralizing influences which other parties may encounter and to which they may succumb, since the Democratic party in the South rests upon a social idea as well as upon a political idea. Under the two-thirds rule which applies in the national conventions of that party, the Democratic party of the South can always exercise the power of veto when it can not dictate. The same rule was preserved in the Democratic caucus. Its sway is absolute. Through its instrumentality a two-thirds majority can carry out its will without hindrance, and the South is always protected. Hence under the leadership of Mr. Underwood there was a thoroughly organized party in the Sixty-Second Congress.

Of the fifty-six standing committees in this Congress thirty-nine of them had chairmen from southern states, and the most conspicuous northern man in the House was Mr. John J. Fitzgerald, of New York. The seniority system had placed him at the head of the powerful Committee on Appropriations, but the same system had elevated southern men to most of the other posts of major responsibility. Southern influence predominated in the organization of the House, and southern influence meant the preservation of institutions such as the caucus which rested upon basic southern tradition. Of the seven Democratic members of the new Committee on Rules the South contributed five. This Committee, which had been carefully selected, was placed in charge of the administration of the rules which the Democratic party proceeded to adopt in the most radical revision which had occurred in many years. The new rules were founded theoretically not upon the rules of the preceding Republican Congress, but upon the rules of the Fifty-Third Congress, over

which Mr. Speaker Crisp had presided. Mr. Clark, of Missouri, having been chosen Speaker by a vote of 220 to 131 for Mr. Mann, of Illinois, in an election in which seventeen Republican insurgents had refused to vote for the candidate of their party, the House proceeded to the adoption of the new rules presented by Mr. Henry, of Texas, who was to be the new chairman of the Committee on Rules.*

They were substantially like the rules of the preceding Congress, except in certain important particulars, and it was in these that the power of the speakership was finally demolished and upon the wreckage of its ruined grandeurs the liberalization of the House established. The rules took from the Speaker the right to name the standing committees of the House, and expressly stipulated that they should be "elected by the House, at the commencement of each Congress"; they increased the membership of the Rules Committee to eleven, and provided that the Speaker should not be a member of that committee, of which, under the old system, he had been the chairman; they provided that the chairmen of committees should be elected by the House, and not, as previously, appointed by the Speaker as a part of his privilege to reward and punish in the maintenance of discipline; Calendar Wednesday was preserved and fortified, and theoretically every committee of the House was given an opportunity to call up legislation reported by it without going to the Committee on Rules for a special rule.

The Speaker's power of recognition was all that was left to him. That, too, was much impaired. From

**Congressional Record*, Sixty-Second Congress, first session, part 1, p. 10.

the time of its origin, in the rules of 1789, it had been gradually extended and broadened, and both Reed and Cannon had employed it to the aggrandizement of their office. The rule itself has not been changed since the revision of 1880, but Mr. Speaker Clark did not use it, except during the war, when all ordinary conditions in the House from time to time were set aside by the exigencies arising from the necessities of enacting legislation in the interest of the national defense. Then it was used by the general acquiescence of the House. Calendar Wednesday had destroyed much of the usefulness of recognition as the strong Republican Speakers had used it.

The revision of the rules of 1911 also preserved the unanimous consent calendar, another progressive innovation in the procedure of the House, which had been established March 15, 1909. By this rule two days a month were set aside for the consideration of bills of minor general significance, but of very great importance to individual Members, which came up for consideration by unanimous consent, without the Member gaining the recognition of the Chair. Since its establishment the Speaker has felt himself precluded from recognizing Members for the purpose of asking unanimous consent. This rule, as strengthened by precedent, has had the effect of practically stopping the practise of passing laws by unanimous consent, except on days set aside by the rules.

When the rules born of progressivism had been adopted by the House the power of the speakership was at an end. That power had rested on the right of recognition; the power to appoint all standing committees and to name their chairmen; and the chairman-

ship of the Committee on Rules. When, in the Sixty-Fourth Congress, the Calendar Wednesday rule was amended to provide that not more than two hours of general debate should be permitted on any measure called up on Calendar Wednesday, and that one committee could not use more than two successive Calendar Wednesdays, the Democratic party had put some additional teeth in the progressive reform of 1909. The House of Representatives had become its own master.

The House of Representatives of the Sixty-Second Congress took up the duties of legislative government at a time when the majority was flushed with victory. The Democratic party was united, the Republican party divided. The rules which the Republicans were afterward to embrace were put through originally by their opponents under a procedure which allowed only limited debate and no opportunity for amendment. The reforms which the country had demanded were accomplished through the employment of methods which in the past had been repugnant to both Democrats and liberal Republicans. Coming suddenly into responsibilities the Democratic party, in the first organization of the House which they had been permitted to make in sixteen years, realized that with those responsibilities there must be power. So far as practicable the House was organized with that in mind.

In the Sixty-Third Congress, when Mr. Wilson had become President, a very great burden of labor fell upon the Democratic leader in the House, and Mr. Underwood found himself the head of a system which imposed upon him such tasks as almost to destroy his health. He was obliged to organize the House by supervising the work of creating the committees, theo-

retically the duty of the Committee on Ways and Means, but one which naturally and inevitably devolved in large measure upon the chairman; to serve as the Floor Leader of his party in conformity with a principle which gave a new aspect to that leadership; and to frame and secure the enactment of an important bill making radical revision of the tariff.

Woodrow Wilson was an exponent of the theory that the President of the United States was the leader of his party. The extraordinary situation presented by the entrance of the United States into the World War on the side of the Allies afforded unusual opportunities for the development of that idea. Under conditions so conducive to the abnegation of legislative rights that Republican Members of recognized intellectual independence were not ashamed to proclaim themselves to be "Rubber Stamp" Congressmen in their support of the Executive, it is not to be wondered that Members of the President's own party should have sought in him the strong leadership they no longer found in the Speaker.

Yet this was not the tendency at the beginning. President Wilson's election had established him as the first successful national leader of the Democratic party since Grover Cleveland. He came to his high office a statesman in practise as well as in theory. He was endowed with nearly all of the qualities inherent in leadership. He attained his ends through the processes of intellect, and at the same time could be as practical in his operations as any ward boss. There was about him a certain psychic aloofness which threw about him the halo of mystery. From time to time he appeared

before Congress in person and baffled his audience by the impenetrability of his genius. Having bestowed upon his fellow countrymen the boundless benefits of his inexhaustible wisdom he retired, leaving Congress to perform its functions under the Constitution without further advice or assistance, and the next day a mild-mannered Democrat in Senate or House would drop into the basket a bill to which he had hurriedly affixed his name, but which he had never seen until it had been handed to him neatly typed, at the other end of Pennsylvania Avenue. Nevertheless, in the pre-war period the House did not surrender its soul into his keeping.

Under the new system which the Democratic party had devised for the government of the House, the Ways and Means Committee became, in effect, the policy committee of the party. This was necessarily so because the real leader of the party in the House stood at its head. Mr. Underwood naturally consulted with his associates of high degree. The place which Speaker Clark held in the hearts and minds of all Democratic Members of the House gave him a considerable, if a wholly unofficial, influence in the party councils. The things he said, and the thoughts which he expressed, in the private conversations of leaders, carried much weight, but Mr. Underwood, on whom the responsibility rested under the new semi-ministerial system, was not content either to have his policies determined for him in the White House or to shape them in a small committee. He took nearly everything to the caucus, there were thorough discussions, policies were thrashed out and programs agreed upon, and then, with the

party bound by the two-thirds rule of the caucus, the measures were taken into the House, and put through to final enactment without mishap.

President Wilson took the greatest interest in legislation, as the head of a party come back to power after a long, long absence from the seats of government, but in the beginning he was no dictator. There were no White House drafts of the Federal Reserve Act, or the Underwood Tariff Act. The Democratic House, composed of leaders from the South, and a few from New York, Ohio and Illinois, who had been there for many years, and were seasoned by long experience as members of the minority, was thoroughly competent. The Democratic party was elated and united, the Republican party dejected and split asunder.

As the war clouds gathered and the business of the American people passed more and more into the keeping of the Executive, in consequence of his constitutional powers with respect to international affairs, and as the nation girded up its loins for battle to the death, and more and more a concentration of authority in the hands of the President came to be regarded as essential to the vigorous prosecution of the enterprise over seas, the majesty of Congress declined.

President Wilson came eventually to transact his business with the heads of committees in the House, and the solidarity of leadership having been broken up, it was possible for him, in the middle part of his administration, to assume an awe-inspiring stature compared with the pygmies on Capitol Hill who, having no strong leader of their own, permitted the usurpation of power to go on. The White House obscured the Capitol. Statesmen of both parties responsible for

DESTRUCTION OF THE SPEAKERSHIP 187

making the laws dared not raise their voices against the encroachments of the invisible Mind which in deep seclusion abode away from all human contact and ran the war on intellect. Senators of sovereign states, and leaders of parties, groveled in their marble corridors, so terrified were they of public opinion. The President followed the people shrewdly enough to make it appear that he led them, and backed as he seemed to be by this force Congress shivered in his psychic presence. For days and weeks the heads of great agencies of the government which were charged with the actual conduct of the war never saw their superior, for counsel or consultation. The White House gates were closed. Impenetrable mystery enveloped the strange Being upon whose unfathomable mental processes depended the hopes of millions and the fate of civilization.

Naturally, the reaction was tremendous.

CHAPTER XII

INVISIBLE GOVERNMENT IN WASHINGTON

THE election of a Republican Congress in 1918 confronted that party with new problems and obligations. It was without leadership in the House of Representatives, where for eight years the Democrats had been in power under the supereminent influence of Woodrow Wilson.

Effective Republican leadership existed only in the Senate, where Mr. Lodge in an adroit manner held together the elements of his party, possessing a majority practically of only one, by a series of maneuvers which succeeded in maintaining solidarity in the face of difficulties presented by the fact that the opinions of individual Senators varied greatly. In consequence of the importance of the international issue growing out of Mr. Wilson's participation in the settlement of the European War, the Senate being with the President, under the Constitution, the treaty-making power, it was inevitable that the responsibility for shaping national Republican policy on that issue should devolve upon Republican Senators.

During the long fight over the proposed ratification of the Versailles Treaty the attention of the country was concentrated upon the Senate, many of whose members, of both parties, but particularly of the Republican party, who had been little known before, came into national prominence. The nomination, in 1920,

of a Republican member of the Foreign Relations Committee of the Senate as the Republican candidate for President was produced by the strongest psychological reasons, and the choice fell upon Mr. Harding because additional factors, geographical and otherwise, were in his favor. The Senate was absorbed for many months in the struggle over the League of Nations, which both parties contrived to make an issue in the approaching presidential campaign.

In the House of Representatives the Republican party was confronted by the necessity of effecting a complete rehabilitation. The Sixty-Sixth Congress convened with a Democratic President in the White House having two years yet to serve, and this threw upon the Republican veterans of the House a serious duty with respect to the shaping of the party's domestic policies, which the Senate, in its absorption in the treaty, generally neglected.

The old order in the House to which Republican statesmen had been accustomed had passed away. The organization which Mr. Cannon had perfected and that had been destroyed by the catastrophe of 1910, had been broken up, and moreover its instincts had been dulled and its spirit crushed, although as individuals some of the men who had been component parts of that organization in minor rôles still retained their places in Congress. Much can happen in eight years, and for so long a period as this the Democratic party had administered the business of the House, had created and controlled committees, had shaped legislation, and given strong tendencies to legislative policies of government, had established new precedents in the governing of the House, and had been in charge of all

its manifold routine affairs. It was only natural that under circumstances such as these the Republican party should have returned to power considerably demoralized psychologically, and out of the knack of doing things as it had been accustomed to do them so many years before under an entirely different state of affairs.

It became the self-imposed duty of certain Republicans of long experience in the House, who had served under the previous régime, who possessed intimate knowledge of the business of the House, who enjoyed the advantages of wide acquaintanceship, and to whom new Members turned instinctively for guidance, to take such steps as they deemed most advisable in the circumstances to reconstruct the machinery of House government, first for the transaction of the business of that particular Congress, and second in anticipation of the return of the party to power in all branches of the federal administration in the next elections.

For many years prior to the defeat of 1910 the Republicans of the House had been accustomed to strongly centralized management in that body. It was no longer possible to employ such a system. The precedents established by Mr. Speaker Clark in becoming the mere moderator of the House had attained the stamp of approval of no inconsiderable period of time. From the political point of view the prominent figures among the Republicans, none of whom was an outstanding national leader, with a national following, felt under the necessity of moving with great caution and circumspection. A return to the old order which had prevailed under Reed and Cannon was not seriously considered by anybody, and in the end the new

Republican House accepted the radical formulas which had been established by their Democratic opponents. All the subsequent actions of the Republican Houses in the Sixty-Sixth and Sixty-Seventh Congresses must, therefore, be contemplated in the light of the fact that those Houses functioned under rules Democratic in conception and construction.

Although the power of the speakership had been annihilated, and its restoration was not contemplated, the election of a Speaker, around whom to build a new party organization, was of major importance. The decisions with respect to filling the speakership were reached partly outside of the House itself. Before the House assembled * there had been numerous conferences of regular and progressive Republican leaders in the country at which the speakership was considered.

During the speakership of Mr. Clark in the four Democratic Congresses between the Sixty-First and Sixty-Sixth, Mr. James R. Mann, of Illinois, had been the minority leader, by the choice of the Republican conference, and when the minority became the majority he naturally aspired to promotion to the rostrum. A strong group in the House, particularly from the West, desired that he should be Speaker, but the influence of certain very busy leaders in the country, together with that of elements within the House, and in the Senate, was thrown against Mr. Mann, whose record in the period immediately preceding America's entrance into the World War was held to count against him. Pressure was brought to bear upon Mr. Mann to induce him to withdraw as a candidate for the speak-

*May 19, 1919.

ership, but he declined to do so. The choice of the faction which finally gained control fell upon Mr. Frederick H. Gillett, of Massachusetts, who had served in the House continuously since the Fifty-Third Congress, in 1893, and who ranked next in seniority to Mr. Cannon, the venerable "Father of the House." So well did Mr. Gillett's supporters conduct their campaign that his nomination became assured in advance of the meeting of the Republican conference at the beginning of the Sixty-Sixth Congress, and they entered that caucus with enough votes to carry out their program, both with respect to the speakership, and the organization of the House.

Mr. Mann had long been perhaps the most astute and resourceful parliamentarian in the House. He was bold and shrewd and never at a loss for a happy expedient. He realized that he would be defeated in the conference for the speakership, but through his ingenuity managed to turn that defeat into a substantial victory, a circumstance which afterward coming to pass, was to exercise such an important influence upon subsequent Republican history in the House as to be of transcendent significance.

The minor leaders who had decided upon Mr. Gillett as the man around whom to build their new organization determined to control the House through control of the Committee on Committees which was to be created and charged with the duty of making up the committees of the House. The committee which should remake the fifty or sixty committees of the House would have a part, and a most substantial part, of the old power which had belonged under the previous Republican régime to the Speaker. This power

rested in the last analysis upon the ability to reward and to punish, to give men places of preference, of dignity, distinction and opportunity under the committee system, or to deny those places.

Those who were seeking to control the House in the interest of party discipline intended to concentrate this power in the hands of a small committee, and the slate had been agreed upon, through understandings reached among Members, in advance of the conference. They would have substituted for the old system of the highly centralized oligarchy, a new oligarchy by no means so formidable as the old but possessing some of its attributes and in a position to acquire others gradually through the exercise of those powers thus conferred.

Mr. Mann upset this plan. In the Republican conference, at the last moment, when the program thus secretly agreed upon seemed certain of adoption, and when Mr. Gillett's nomination as the party candidate for Speaker had become assured, Mr. Mann proposed that the Committee on Committees of the House should consist of one member from each state having Republican representation in the House, to be chosen by the state delegation and, in the determination of committee assignments to cast a vote equal to the Republican vote of the state. It was an adroit move. It appealed with irresistible force to every one since it offered a place on the Committee on Committees to every state. The amendment was adopted and Mr. Mann emerged from the conference defeated as to the speakership but a real victor in the contest, as time was to show.

By the revolution of 1910 the Speaker had been removed from the Committee on Rules and was de-

prived of the power of appointing it. This was as far as the Republican reform went. The power of naming the committees of the House still rested in him. The Democratic revision of the rules at the beginning of the Sixty-Second Congress made far more radical changes, changes which psychologically might be traced to the deeply rooted Democratic tradition of weak Houses and strong Presidents. The Democratic rules of the previous Congress were adopted by the Republican House of the Sixty-Sixth Congress, and to the fact that these rules did not originate in Republican brains, were antagonistic to the Republican theories and principles, unsuited to Republican temperament and at variance with the Republican genius must be ascribed the failure of the Sixty-Sixth and Sixty-Seventh Congresses to function with greater smoothness. The Republicans accepted the formulas of their opponents, not because as a party they believed in them, but largely because it was expedient to do so and there seemed to be no alternative. Psychologically it was an act of political immorality.

Upon this foundation of Democratic rules of procedure, and with a Speaker in the Chair lacking in all the qualities of aggression, the Republican House undertook to reorganize the system of congressional government, and to pass acts which would have to be submitted to a Democratic President. As thus constituted the new Republican organization took charge of the House at the close of a period of eight years of Democratic administration, during which that party had acquired a new confidence in itself, and had won new elements of support in the nation.

At the head of the organization there stood theoretic-

cally the Speaker, but the new system was not devised to aggrandize his power, and at the beginning he was carefully excluded by the Republican scheme from all opportunity to obtain a greater influence or authority in the House. Mr. Gillett himself did not seek to acquire either, but remained, as Mr. Clark had desired to be, solely the presiding officer of the House, so that at the close of the Sixty-Sixth Congress to all outward appearance the Speaker had no greater strength as a party leader than he had possessed the day after the conclusion of the reforms through which the old power of the Speaker had been stripped from him.

As finally perfected in the Sixty-Seventh Congress the new Republican system of party administration in the House consisted of the Speaker, the Floor Leader, the Committee on Committees, the Steering Committee, the Committee on Rules, and the Chairmen of the Committees on Appropriations, which had been increased in consequence of one of the most important reforms ever accomplished in the House; and of Ways and Means.

An analysis of the fundamental *spiritual* difference between the old system and the new is essential to an intelligent understanding of the difference in the manner of operation of the two systems.

Despite all the faults inherent in the system which Reed had inherited from Colfax and Blaine and from Henry Clay, and had improved, and had passed on to his successors, and which Cannon had made into a perfect piece of political mechanism, it at least had this to commend it to the people, that it had the courage of its convictions, was honest and stood four-square, and was at all times in the open exposed to the

pitiless glare of publicity. Every action it committed was instantly known throughout the country. The oligarchy demanded power commensurate with its responsibility, but the people could always hold it to that responsibility. The names of those who constituted the oligarchy were matters of public record. They appeared in the *Congressional Directory*. The name of the Speaker was known, and it was known to every one that he stood at the head of the House, the creator of the committees, having the power of appointment and of removal, that therefore if a committee refused to report a bill which the country demanded the Speaker as the master of that committee was responsible. The names of the members of the Committee on Rules were known. Aside from the Speaker, the chairman, there were only two of the majority party, and in Mr. Speaker Cannon's time, and in Mr. Reed's time, their names were household words. With the exception of the committee chairmen, who were the Speaker's lieutenants, and the Floor Leader, who was the chairman of the Committee on Ways and Means, there were few other members of the inner circle. Not only were these responsible leaders of the House up to the Sixty-Second Congress thus indicated in public documents, but they took pride in distinguishing themselves among their fellows by a peculiar badge which they wore. This was a red carnation, and that small flower in a buttonhole meant that men served as leaders of the House unafraid and unashamed. It was a touch of grim sentiment.

The new order became a system of secret government in the House of Representatives, and in this lies its chief weakness and greatest menace. It does not

operate in the open, but under cover. It does not stand four-square to all the winds that blow, nor does it court publicity. It avoids the light and suppresses all mention of itself. The names of the gentlemen constituting this system are nowhere of public record except with respect to the Speaker, the chairmen of committees of the House, and where they appear in the list of Representatives. The Floor Leader is known simply by that title, and by none other.

The members constituting the Committee on Committees and the Steering Committee are not a part of the organization of the House, but of the caucus; they are not the creatures and servants of the House but of the caucus; they are not responsible to the House itself, or to the American people, but to the caucus, or conference, as it is styled. Not being responsible they can not be held to accountability. Under the old system if a bill in which the people were interested could not pass for the reason that it could not be brought before the House the Speaker and his Committee on Rules could be arraigned at the bar of public opinion. Under the new system if a bill in which the people are interested can not obtain consideration nobody can be held responsible for the reason that nobody knows that anybody is responsible. The Speaker can not be thus held, since it is notorious that the Speaker has no power, and the Floor Leader can not be held to account, since the House openly has clothed him with no power.

Obviously there is a responsible power somewhere in the House, for the country from time to time has evidence that certain bills are put forward, and that others are held back. Where then has gone the power

that Reed and Cannon used to wield? That is a question of vital concern to every man, woman and child in America, to every person who believes in the principle of responsible, representative government, and desires that it shall survive. Since under the new system no individual can be held blamable for the failures and mistakes of the House since none has any known power, it has come about that the whole House is held to accountability.

Many thousands of bills were introduced in the House during the first session of the Sixty-Seventh Congress, and only a few of them became laws, so that it is clear that some force in the House determined that certain bills should be enacted, and that the others should not. That force is the House itself. The instrumentality through which the House thus works functions in secret, and under a power delegated to it for the same reasons which prompted the House under the old system to delegate power to its leaders. Previously the country could see the wheels go round. Now it can not. Thus it becomes a matter of most serious public interest to examine into the operations of the new organization, with a view to ascertaining wherein the government of the people is in better hands in the House of Representatives to-day than it was a dozen years ago. The character of public men changes little from year to year. The average of ability in the House, as in the Senate, has only slightly, if at all, decreased under the primary system. There remains to be considered the question of opportunity, and the opportunity of the individual to exert his proper influence upon the making of laws is largely dependent upon the method of management by which the House conducts

its own business. On this point the destruction of the speakership under Cannon was predicated.

Of the Republican organization created under this complicated and secret system, consisting of Speaker, Floor Leader, Committee on Committees, Steering Committee, Committee on Rules, the Appropriations Committee, and, as a relic from the traditional past, the chairman of the Ways and Means Committee, the Speaker became ostensibly the head. But under the new order the Speaker does not appoint the Committee on Rules, is not a member of the Committee on Rules and has no authority over it, he has no power to appoint any of the committees, and only theoretically does he still possess the ancient right of recognition. He is merely the presiding officer.

The Floor Leader is ex-officio chairman of the Steering Committee, and is also chairman of the Committee on Committees.

The Committee on Rules is elected by the House, the Republican and Democratic members being chosen in their respective caucuses. In the Sixty-Seventh Congress no member of the Committee on Rules was a member of the Steering Committee and only one member of Rules was a member of the Committee on Committees. The chairman of the Rules Committee, who under the previous Republican régime had been the Speaker, is not, under the new system, connected formally with either of the two governing committees of the House.

There was thus, in the Sixty-Sixth and Sixty-Seventh Congresses, under a strict interpretation of the plan adopted by the Republican conference, only a slight interlocking of powers and functions. The Floor

Leader was chairman of both the Committee on Committees and the Steering Committee. In only two other instances were members of one committee members also of the other.

At the beginning of the Sixty-Sixth Congress Mr. Frank W. Mondell, of Wyoming, was elected Floor Leader of the majority, by the Republican conference, and he has been responsible very largely for the development of the new system of party government in the House since that time, exerting upon the institution of House management an influence commensurate with that which was the contribution of Thomas B. Reed during the period when the idea of centralized authority was being worked out. Mr. Mondell was gifted in a very high degree with precisely those qualities essential to floor leadership under the conditions as they existed. He had served in the House continuously since the Fifty-Sixth Congress, and had been a Member of the Fifty-Fourth Congress, under Reed. He knew the business of Congress as thoroughly as did Mr. Mann or Mr. Gillett. Strong enough to withstand the tremendous pressure of special interests brought to bear upon him, with an even temperament, considerable natural political instinct, enough philosophy to enable him to keep his temper in the give-and-take struggles of parliamentary life, and enjoying the confidence of the House both on the score of personal integrity and practical ability, he was the best choice that could have been made initiating an untried scheme of party management. His political ambition did not lead him to seek its gratification in the aggrandizement of his office, which he administered with a view to the promotion of its success as an experiment

involving the whole party interest. Originally his name had headed the committee slate of the faction which had sought to make Mr. Gillett Speaker and secure the election of a small Committee on Committees, and he was not the choice of the Mann faction for Floor Leader. Under the system in vogue in various Republican régimes the Floor Leader had been chairman of the Committee on Ways and Means; thus Thaddeus Stevens, McKinley and Payne had been the Floor Leaders of their party; and the same system prevailed on the Democratic side. Mr. Mondell owed his position as Floor Leader to the Steering Committee, and not to Ways and Means. A member of no committee of the House, as Floor Leader he was able to devote his entire time to the committees constituted by the party conference. As Floor Leader he became in fact and theory the leader of the majority. The Speaker excelled him perhaps in dignity, but not in power.

In the Sixty-Second Congress, the first over which Mr. Clark presided, Mr. Mann, the Republican candidate for Speaker, became the minority leader, and the Republicans having then no Committee on Committees, he named all the minority members of committees, the party conference leaving this to him, although the House, of course, went through the more or less absurd formality of electing them, to maintain the fiction that the House of Representatives was its own master, which, of course, it certainly was not so far as the creation of its committees was concerned. It would take the House itself probably not less than a year to create its own committees, passing in judgment upon the claims of all the candidates for desirable places, listening to interminable argument, wrangling and

/ quarreling over the chairmanships. Under the old régime everybody knew who was responsible for making up the committees; under the new, nobody did. Finally Mr. Mann proposed a Republican Committee on Committees, which was appointed in the Sixty-Fifth Congress.

In the Sixty-Fourth Congress, after the elections of 1916, the Republicans had felt the need of a Committee on Organization for the Sixty-Fifth Congress, and on February 5, 1917, the Republican Conference adopted a resolution that a committee of twenty-seven be appointed to take under consideration questions relating to the minority organization in the next House. Mr. Mondell was chairman of this committee, which recommended to the Republican conference—the word caucus was in disrepute and was no longer used—in the Sixty-Fifth Congress that committee assignments should be made by a Committee on Committees of seventeen members having no other functions.

Mr. Mann became chairman of this Committee on Committees, and also of an Advisory Committee of five, which was created at the same time. This Advisory Committee was the beginning of the Republican Steering Committee of the House. Thus at this time there was a considerable concentration of power, although a minority power, in the hands of Mr. Mann, who was the minority leader, or chief spokesman and parliamentary strategist of his party on the floor, chairman of the committee which possessed the power of reward and of punishment in making committee assignments, and chairman of the committee which determined party policies and programs. There can be little doubt that if Mr. Mann had been elected

Speaker at the beginning of the Sixty-Sixth Congress he would have been able to restore to the Chair a large measure of the power which had reposed in it in Cannon's time, for he was not only competent and aggressive, but bold, resourceful and ambitious. But the interference of Republican politicians outside of the House prevented this, and the party whose conservatives dreaded a possible revival of insurgency followed the course of least resistance, elevated a presiding elder to the pontifical seat and adopted the Democratic rules which had sprung from the Bryan platform of 1908. No more than could an individual have thus departed from the precepts and traditions of a lifetime without becoming demoralized could a political party survive uninjured such a repudiation of its basic principles. As time went on the Republican majority found it necessary to correct, more or less clandestinely, the errors from which they could not save themselves at the outset.

The task which confronted Mr. Mondell was that of a practical statesman. He did not create the conditions which he was obliged to meet at the beginning of his term of leadership, but since they existed he and his associates, men like Mr. Philip P. Campbell, who became chairman of the Committee on Rules, Mr. Madden, Mr. Samuel E. Winslow, of Massachusetts, and Mr. Nicholas Longworth, of Ohio, were compelled to conduct the business of the House as best they could. These men, and a few others, became leaders in the best sense, seeking to carry out the will of the House without sacrifice of efficiency. Mr. Longworth developed into one of the strongest figures the House had seen in recent years, and when Mr. Mondell announced

4

his voluntary withdrawal, to take effect with the close of the Sixty-Seventh Congress, the party turned to Mr. Longworth as perhaps the best equipped man to take his place. In addition to being a member of the Ways and Means Committee, and the soundest student of the tariff on the Republican side, the Ohioan had long been a member of the Committee on Committees and of the Steering Committee. Thus a considerable influence, if, indeed, not a large measure of responsibility already reposed in his hands, and as he combined with long experience an excellent judgment, and sympathetic understanding of the aspirations and tribulations of his party, and was at once both progressive and conservative, he enjoyed to an unusual degree the confidence of Republicans of all shades of political opinion. Convincing in debate without being an orator, thoroughly familiar with the rules, and having a personality which won many and repelled none, he possessed most of the attributes essential to a successful parliamentary leader. Although he took an active part in the proceedings on the floor, it was rather in the exercise of his influence on the Committee on Committees, and especially on the Steering Committee, that he was most effective as a party leader in the House.

As constituted the Steering Committee was a creature of the Committee on Committees, which presented the names of its members to the caucus, or conference, for ratification; but in reality the members were agreed on by small groups of minor leaders, the really strong men of the party in the House, so that although the new system was supposed to have liberalized the rules, freed the individual Member, given to each a voice in the party business, actually important

selections such as the personnel of the Steering Committee were made in secret not only outside the House, but even outside the caucus; and as a practical consequence the great mass of Republican Members in the House had absolutely no more to do with the appointment of an important committee than they had had under the old system in the days of Blaine, Reed and Cannon. The same was true with respect to the selection of the Floor Leader, who was as a matter of form approved by the caucus by resolution, but who actually was determined upon by the strong men of the party at conferences held among themselves, and in consequences of which an agreement was reached, and the necessary votes secured in advance of the meeting of the caucus. The Committee on Committees recommended to the House the names of the chairmen of the various committees which under the rules were elected by the House.]

The method of making up the organization of the House under such a plan was much more complicated than had been the previous system of the strong Speakers, but in practical operation it was far more so than appeared on the surface.

The real power in the Republican House was largely lodged in the Committee on Committees, and theoretically the thirty-nine members of the committee, representing the Republican states, and each casting a vote equal to the Republican strength in the House of his state decided who should be the members of the fifty or sixty committees of the House, and constituted them as they saw fit. Actually, from the inauguration of the new system, the control of the Committee on Committees virtually passed to Mr. Mann, the Member [

exercising by far the greatest single personal influence in the House, and thus Mr. Mann, the Illinois veteran and former floor assistant of Cannon, became in consequence of many subtle factors the true power behind the scenes in the House, and this not only unknown to the country, but as a matter of fact very generally unknown to the House. In dominating the committee which assigned the committee places to the Republican membership of the House Mr. Mann controlled the right of reward and punishment, and in any organization, in any form of society, that is an attribute of power.

Mr. Mann had entered the House first in 1897, and had served continuously since the Fifty-Fifth Congress. For many years, under the old régime which had come to an end in the disasters of 1910, he had done the greater part of the detail work for Mr. Speaker Cannon in making up the numerous committees of the House.

The formation of these committees required and developed an extraordinary knowledge of the peculiarities and idiosyncrasies of every individual Member of the House. Mr. Mann's task was to see that in the creation of the committees all the round pegs were put in the round holes and all the square pegs in the square holes, that men were given places best suited to their qualities of mind and previous experience and exactly tuned to their temperament and talents. Various other considerations of course had to be borne in mind, such as those regarded as essential to party welfare. Thus it was necessary that men be assigned to committees having jurisdiction over special interests or things in which they were concerned as representatives of con-

stituents, or that they be excluded from such committees, according as the policies and plans of the leaders might dictate. The construction of such committees as Ways and Means, to which went all revenue and tariff bills, was of vital importance not only to the House but to sugar, lumber, shoes, mining, manufacturing, banking—to all the manifold business interests of the United States.

It was inevitable that the man who for years under Mr. Speaker Cannon had devoted himself as a student, an economist, a psychologist and a practical politician to the intricacies of work so full of subtleties as this should come to exert a robust influence in the House. Add to this composite element of strength that he had been so long in the House as to know intimately every Republican Member better than he knew himself, that he was gifted with extraordinary powers of analysis, that he was a philosopher and a cynic and understood the weaknesses of men and how to use them, that he had the history and traditions of the House, and its rules and precedents, at his finger tips, that he possessed an unusual facility of assertion in debate and was endowed with a most convincing plausibility, especially when he was in error, and that he was exceeded by none in audacity, and it will be understood how Mr. Mann, holding no place whatever in the House, and serving, ostensibly, only as member for Illinois on the Committee on Committees, became the greatest single force in the House of Representatives after the Republican party returned to power in 1919. As a member of this committee he cast a total of twenty-four votes, a number exceeded only by those cast by the members representing New York and Pennsylvania.

It so happened, to the great advantage of the country, that Mr. Mann was imbued with a profound sense of public service. He had been in the House for so long a time as to have become a part of it, and he performed the duties which developed upon him as a faithful servant working not for reward but for the mere love of work, in obedience to the habits of a lifetime which he could not break if he would. Under the new régime the duty of making up the committees fell to him, partly because no other man in the party had so great a familiarity with the details. Constant in his attendance upon the sessions of the House, always in his seat, studying and examining every item in every bill presented, he devoted himself with singular singleness of purpose to the business of legislation. Naturally he was, and continued to be, an authority, to whom his colleagues turned repeatedly for guidance not only in time of crisis, but with regard to the routine affairs of the House. In view of his remarkable natural abilities, his peculiar talents, his unsparing devotion to hard work, his great grasp of all the legislative problems in relation to their historical background and their possible future significance, and his penetrating insight into the habits and character of his four hundred thirty-four associates, it was little wonder that such a man should have come to occupy in the organization of his party a position without an exact parallel in the history of the House. Certain qualities of manner which aroused antagonisms, and certain pre-war influences in American politics prevented his elevation to the speakership. What James R. Mann might have done with the place which Reed and Cannon had held belongs to the field of speculative philosophy. It is

quite possible that subconsciously the House, still reacting tremendously from the revolution which Cannon's strength had precipitated, turned instinctively from a man who might become too strong a Speaker to one not feared on that grave score.

Perhaps the most conspicuous service which Mr. Mann rendered to the Republican party was in connection with the advancement to the chairmanship of the enlarged and centralized Committee on Appropriations of Mr. Martin B. Madden, of Illinois. Mr. Good, of Iowa, the distinguished chairman of the old committee under whom the budget system had been established, was to retire from the House for personal reasons, and the leadership of the House was confronted by the serious responsibility of choosing as his successor the chairman upon whom the making of appropriations for the first time under the budget would fall. Mr. Madden, not then a member of Appropriations, was placed upon the committee well down in the list, and upon the resignation of Mr. Good taking effect, he was advanced to the chairmanship. Under the new system the leadership of the House was able to act precisely as the Speaker had acted under the old Republican régime. The seniority rule was broken in order to place Mr. Madden at the head of the committee, exactly as it had been broken years before by Speaker Cannon when he had made James A. Tawney, of Minnesota, chairman of that committee out of order. It is significant that, confronted by a question similar to that which had been met by Mr. Cannon by an unusual display of his appointive power, the leadership of the House under the new régime had followed the identical course of procedure. It was a striking indication of

the possible efficiency of the new system. Although Mr. Madden had been the choice of Mr. Mondell, the Floor Leader, his selection was actually made possible by the power and influence on the Committee on Committees of Mr. Mann. Theoretically, under the new rules, the election of a chairman of a committee was a prerogative of the House itself, but actually the House was as impotent as it had been prior to the reform of 1910.

The country could not credit Mr. Mann for this sagacious act any more than it could hold him responsible for any of the positive or negative actions of the House, since theoretically there attached to him neither power nor responsibility. As an individual Member of the House he was responsible only to the voters of his congressional district, whereas, under the régime which passed away with the fall of Speaker Cannon, such an exercise of authority and influence could only have been by the Speaker, who could be, and was, held to strict accountability. Thus the incident in connection with the reorganization of the Appropriations Committee, and the selection of additional members when the committee was enlarged, strikingly illustrates the difference between the publicity of the old régime and the secrecy of the new. It so happened that Mr. Mann was endowed with a high sense of public duty and that his actions were prompted by wisdom, but one can not examine the existing system of government in the House of Representatives as devised by the Republican party without perceiving a possible source of danger for the future.

Although the Republican House in the Sixty-Sixth Congress adopted the rules of the previous Democratic

House, substantially and in effect, in creating their organization of the House, the Republicans went much farther than the Democrats had gone in the direction of the decentralization of power. For one thing, the Republicans had come back into control of the House after a lesson which had taught them to fear the wrath of public opinion, on the eve of a presidential campaign which was certain to be vital to the party, and with their party still divided by the tremendous issues which had all but destroyed it in 1912.

Psychologically the Republican party had been far more deeply moved by the insurgency of 1909 and 1910, and the Progressive phenomena which followed, than the Democratic party had been. That movement had originated as a protest against the Republican party, and not against the Democratic party, and it had rent the former asunder without directly influencing the latter. The Democratic party was united, while the extent to which the wounds inflicted upon the Republican party by Progressivism had healed was still a matter of conjecture when the elections of 1918 had been held. Naturally the Republican leaders subconsciously sought to propitiate so far as they could the progressive sentiment existing in the rank and file of their party. They therefore did not centralize a considerable power in the Ways and Means Committee, as the Democrats had done, but divided those powers, granting the appointment of committees to a special Committee on Committees, and delegating the administrative business of the party, and the work incident to the formulation of party policies, to a Steering Committee. This was developed, in the Sixty-Seventh Congress, into one of

the most interesting parliamentary experiments ever attempted in the House.

The chairman of the Steering Committee became, by action of the party caucus, Floor Leader. This was Mr. Mondell, who thus held three offices, chairman of the Committee on Committees, chairman of the Steering Committee, and Floor Leader. As he molded the character of the latter office the Floor Leader came to exercise the functions incident to the formulation of the party program, and a great deal of power gradually passed into his hands, checked by the fact that he was not a member of the Committee on Rules, and by the curious position of influence held in the House by Mr. Mann.

Thus it will be seen that there was, to a certain limited extent, an interlocking directorate, combining some of the functions of a governing committee of the House. But this conception was not carried to an ultimate conclusion. One of the rules of the caucus creating the Steering Committee provided that no chairman of a committee of prime importance should be a member of it. Theoretically the idea was that a chairman of a major committee, such as Ways and Means, would not have the time to devote to the work of the Steering Committee, but psychologically what actuated the party leaders in thus decentralizing their new system was the dread of arousing another insurgency. The selfishness of various groups and factions within the party also contributed to the shaping of the plan along these lines. This decision by the caucus was rigidly adhered to, so that whenever a member of the Steering Committee became the chairman of

one of the more important committees of the House he relinquished his place on the former.

The first Steering Committee * elected at the beginning of the Sixty-Sixth Congress was, geographically, representative of the Republican strongholds of the country. It then consisted of five members, in addition to the chairman, but was later increased to seven, under circumstances disclosing the inherent fear in the Republican party of the groups into which their party had shown a tendency to break up.

The Steering Committee, like the Committee on Committees, is a creature of the caucus, and not of the House. It is chosen by a majority vote in the conference, as the Republican caucus is more properly termed, and has no official existence. It is as secretive as the Committee on Committees. The names of its members are not of public record anywhere, are not published in the newspapers, and few accounts of its proceedings are ever printed. In the beginning the existence of such a committee was denied.

Whatever the real power of this committee may be from time to time, under varying conditions, the country can not hold it responsible for any of its acts for the excellent reasons, first that its actions are not known, and second that even if the names of the gentlemen constituting it were known they could not be held to account since officially the committee has no existence. Thus the system devised by the House Republicans differed radically from that which the

*Mr. Mondell, of Wyoming, chairman; Mr. J. Hampton Moore, of Pennsylvania; Mr. Martin B. Madden, of Illinois; Mr. Nicholas Longworth, of Ohio; Mr. Samuel E. Winslow, of Massachusetts, and Mr. Thomas B. Dunn, of New York.

Democratic party had established when it had placed the responsibility as to committee assignments and party programs directly upon the Ways and Means Committee, and its chairman, the Floor Leader, all of whom were officers of the House, and not the secret agents of the caucus.

From the beginning the Steering Committee, as it had been evolved from an original committee of three which had advised the Republican leader during the time that the party was in the minority, showed elements of strength. Although its members were confirmed by the caucus in effect they were determined upon in secret meetings of groups of leaders held outside the House and outside the caucus, so that the very factors which led to their selection were discussed in secrecy.

With the organization of the House in the Sixty-Sixth Congress the Steering Committee met every morning, and decided upon the various measures which pressed for consideration, some of them involving grave questions of party policy, calculated to affect not only the successful conduct of the business of the House itself, but the chances of the party in the elections of 1920 to which all looked forward. There was much pressure to be met from those who urged favorable action upon favorite bills, and it was met by the committee in a splendid spirit of firmness.

The committee would send for the members of various other committees before which bills were pending, and would state to them the merits, or objectionable features, of these measures, as they were regarded from the general party point of view. There would be discussions and arguments, and an effort to

compose all differences in a spirit of harmony. From the outset the Steering Committee made it plain, that in the event of happy results coming from the action of any committee of the House on a bill, that committee should have the credit; and that in the event of misfortune attending their efforts the Steering Committee stood ready to bear the blame, in the party.

It was early discovered that the committees of the House showed a marked disposition to be afraid to accept responsibility, and in the second session of the Sixty-Seventh Congress it was evident that a gradual breaking down in the sense of responsibility in the House was one of the strong tendencies of Congress under the new Republican system, a tendency checked only by the policy of the Floor Leader and the Steering Committee to accept that responsibility, not to the country, but to the party caucus of the House. It was also observable that after the Steering Committee had been increased from five to seven in membership, it failed to function quite so well as it had done in the beginning, a striking illustration of the theory that power to be effective should be centralized. Psychologically a mistake was committed in thus increasing the membership since of the two additional members added one certainly was added because he represented, in the House, the class group in the country of organized labor, and it was a sign of weakness on the part of the Republican party which inherited from the Federalists and the Whigs the tradition of the party system of government thus to acknowledge the existence of the *bloc* as a factor to be reckoned with in American politics. Agriculture also was given representation on the committee.

The increase in the membership of the Steering Committee to seven, not including the chairman, was brought about in consequence of an agitation in the House for a more representative body, and it was finally accomplished at the beginning of the Sixty-Seventh Congress, on the recommendation of the Committee on Committees, and with the approval of the caucus. It was indicative of an increasing tendency in the House toward the disintegration of party and the growth of the special class.*

The meetings of the Steering Committee are called by the Floor Leader, as the exigencies of the business of the House require. They usually take place every day. Although no member of the Committee on Rules is a member of the Steering Committee, the chairman of Rules is frequently invited to sit with the Steering Committee, and the carrying out of party programs through the medium of rules reported from the Committee on Rules is decided upon in conference. Theoretically the Steering Committee has no power to compel the Rules Committee to report, or not to report, a particular rule, and harmonious action is obtained through the natural instinct among party leaders to further the best interests of the party through concerted action. There is no obligation, under the Republican system of party management, upon the Committee on Rules to consult with the Floor Leader, and in the Sixty-Seventh Congress, second session, the unusual spectacle was presented of

*At the second session of the Sixty-Seventh Congress (July 1, 1922), the Steering Committee consisted of Mr. Mondell, chairman; Mr. Longworth, Mr. Dunn, Mr. Darrow, of Pennsylvania, Mr. Greene, of Vermont; Mr. Sanders, of Indiana, Mr. Nolan, and Mr. Anderson.

the Rules Committee of the House reporting a special rule for the consideration of a resolution proposed by a Republican Member of the House and providing for an investigation of one of the Executive Departments under the Republican administration.

No such party fiasco as this would have been possible under the centralized system used by Reed and Cannon as a highly perfected instrumentality of party government. The fact that in this instance the Rules Committee was obliged to reverse its action, and that the *faux pas* had been injurious to the harmony of the party, illustrates the great difficulties attendant upon the administration of the multitudinous affairs of so large a parliamentary body. As a matter of general practise under the new system special rules are never granted except after conferences between the Rules Committee and the Floor Leader.

Whether the addition of the chairman of the Rules Committee to the Steering Committee would prove a useful innovation would be open to argument. Obviously in the nature of things the chairman of the Rules Committee must be consulted when the time for final legislative action in putting a bill upon its passage is reached, and it might prove helpful if he were a member of the Steering Committee. It has even been proposed that the system be modified to the extent of making the Committee on Rules the Steering Committee. This would carry with it the additional change incident to the Chairman of Rules becoming the Floor Leader. Under such an arrangement there would be a very considerable concentration of the former power of the Speaker in the hands of the Floor Leader.

Highly significant, however, is a modification of

the original scheme of House organization which was quietly accomplished without specific authorization. By the plan adopted by the Republican caucus at the beginning of the Sixty-Sixth Congress the Speaker was designedly kept entirely separate and distinct from the executive organization of the House. It was the intent of the caucus that the Speaker should not be a member of the Steering Committee, or of the Committee on Committees, precisely, as by the rules of the House, he was excluded from membership on the Rules Committee, from which place he had drawn so great a part of his power.

But on invitation of Mr. Mondell, the Floor Leader, the Speaker, Mr. Gillett, was invited to attend the meetings of the Steering Committee, and thus the Speaker participates in all the sessions of the committee which has exclusive jurisdiction of the policy, program and management of the business affairs of the House.

Not very long thereafter, the Speaker invited the Steering Committee to meet in the Speaker's Room in the Capitol, and all its sessions are held there. Although not a member of the committee, either by authority of the House or of the caucus, the Speaker has as much influence and as much voice in the meetings of the Steering Committee as has any member. Thus in effect the Steering Committee consists of nine members, including the Speaker and the Floor Leader, and upon occasion the chairman of the Rules Committee takes part in the proceedings, and exerts by virtue of his position as one of the leaders of the party, his influence upon the decisions of the committee.

This, then, was the ingenious system devised by the Republican party upon its return to power, for controlling the House of Representatives. It is a system at once more decentralized than the Democratic system invented for meeting the contingency caused by the destruction of the power of the speakership, and more disingenuous in intent to overcome the handicaps imposed by the necessity of administering the business of a parliamentary body of four hundred thirty-five members under rules specifically devised to separate power and responsibility. The party managers labored under no delusions. They understood the imperfections of the plan and sought to remedy them.

The sessions of the Steering Committee, sitting behind closed doors, with the Speaker of the House, and often the chairman of Rules, present, are held in secret; the proceedings are not disclosed, and the conclusions reached are not made public. Theoretically the Speaker is not supposed to exercise any power over the Rules Committee. On that point the revolution of March 19, 1910, was fought and won by the reformers. Actually the Steering Committee, of which the Speaker is essentially a member, issues instructions to the Rules Committee, and brings to bear upon the Rules Committee the full force of party opinion as it is concentrated in this committee, some of whose members might also be members of the Committee on Committees.* It is a system which has not yet been employed in subverting the liberties of the individual Member of the House, but one which never-

*In the Sixty-Seventh Congress Mr. Mondell, Mr. Longworth and Mr. Dunn were members of both committees.

theless contains the germ of a new despotism, and one more sinister than the old for the reason that it works not in the light of publicity, but in secrecy, and is so complicated as to defy the fixing of that responsibility to which all public servants should be held.

The perfect functioning of the system rests upon the harmony of opinion among the leaders. Working under it those charged with the duty of administering the business of the House have sought to ascertain and carry out the will of the House. It has been used to enable the House to translate into legislative action the majority opinion of the House. Thus it depends for its success upon cooperation with all the committees of the House. The responsible heads of committees know that they can not hope to get very far with bills that may be reported which are not favored by at least some of the leaders in responsible places. It is necessary, therefore, that the Floor Leader should be alert and at all times in close touch with the sentiment of the House, and in constant communication with chairmen whose committees may be considering bills of interest to the House and to the country as well as to the party.

Since it is no longer possible for the Speaker, as under the régime of Cannon, to prevent violent conflicts of opinion in the House by the expedient of suppressing in committee and refusing to permit to come up for consideration bills calculated to provoke dangerous controversy, and since under the liberalized rules of the House, such as the "Calendar Wednesday" rule, the will of the House can not now be balked as it could be thwarted in the days of Reed and Cannon,

it is essential that differences among members of committees arising out of proposed legislation, or differences among committees which may be in conflict, be reconciled in advance of action upon the floor. Upon the orderly conduct of the business of legislation on the floor may depend a party policy or the election of a Congress or a President.

The Steering Committee, or as it frequently happens, the Floor Leader, upon whom much of this work rests, and members of committees considering prospective legislation, have conferences from time to time, often with members of the Rules Committee. In this way so far as is practicable the preliminary stages of legislative enactment are carefully supervised. At times as many as twenty-five members of the House who are particularly interested in pending measures will be called into conference by the Floor Leader for the composition of differences which have arisen, or which may arise. It does not always follow that the Floor Leader is in accord with the majority of the House. For that matter it did not always happen under the old system that the Speaker was invariably in sympathy with the majority opinion of the House on a matter involving a question of widespread party interest. Previously, under Reed and Cannon, the Speaker in the end could balk the House of its desires if he so wished to do, although it did not necessarily follow that he would do so. Under the new system the Floor Leader is dependent not upon his power under the rules, but upon his own personality and character, upon the esteem in which he is held in the House for his political sagacity and his wisdom as a statesman, and upon the natural instincts

which prompt men belonging to a party, and held together by natural selfish instincts for mutual protection, for his success in harmonizing differences and thus being able to go into the House with a measure assured of sufficient support to secure its enactment. In this way Mr. Mondell during the Sixty-Sixth and Sixty-Seventh Congresses succeeded in establishing a truly remarkable record of successful legislative accomplishment. Disintegration of Republican strength in the House after bills were actually under debate was of rare occurrence.

The successful conduct of party management in the House of Representatives is naturally dependent upon the extent and the reliability of the information possessed by the leaders as to the state of mind of the House. This was as true of the old system as it is of the new. Under the old régime the Speaker, and his Floor Leaders, obtained their information through the "whip," a Member, thus designated, whose duty it was to round up Members as occasion required, to ascertain how they would vote, or to instruct them in that respect, and to see to it that the leaders were informed accurately as to those who could not be counted upon, for or against a measure, as the case might be. Under the new régime information is obtained in a more formal way, and in one which generally has proved more satisfactory to the membership of the House.

Information is thus obtained sometimes by careful polls of delegations by states, and sometimes through series of conferences which the Floor Leader calls. In this way the latter is able to ascertain whether

the majority party favors or opposes a given measure, and to take action appropriate to the situation.

Under the new system the Floor Leader and the Steering Committee lack the power to compel a Member to do a thing against his judgment. The Member can not be removed from a committee except by action of the House. Hence logic, persuasion and the party welfare are the compelling influences. Members of the House quickly learn that in such a body nothing can be accomplished except by cooperation. There must be a certain amount of give and take, an accommodation of interest, a yielding here for the sake of a gain there. The Floor Leader becomes the medium through which the friendliness and the understanding of the House are enabled to work their way.

Under the system of Reed and Cannon the House did not know for any considerable period in advance what the program of the House would be. Such knowledge as the leaders had they kept to themselves for good and sufficient reasons. Advance information might enable opposition to become strong enough to overturn the most carefully laid plans. Such a condition was bad for the House in that it did not enable Members to prepare in advance for the work on the floor they might be called upon to do. In the closing days of the Sixty-Sixth Congress the Floor Leader began to give notice by word of mouth of what might be expected on the program for a few days in advance, and later for a number of days in advance. In the following Congress the Floor Leader inaugurated the policy of posting a tentative program for

a week in advance, and not long after a copy of the program for the following week was sent to each Member on Friday or Saturday. It was not always possible to carry this program out exactly, but Members were given reasonably accurate information, and had time to prepare for the consideration on the floor of bills which might not have been considered by committees of which they were members, but in which their constituents were interested. This program is prepared by the Floor Leader after conferences with the Steering Committee, the Speaker, and chairmen of committees. The Speaker is kept informed of all plans, since he is presiding officer of the House as well as a Member of the House, but under the new system the Floor Leader has become the general manager of his party in the House, the counselor of his colleagues, the harmonizer of their conflicting opinions, their servant, but not their master.

The advantage of the new system lies in its greater flexibility and its friendlier democracy. The House is freer under the new régime than under the old. With democratization has come a consciousness of power and a greater intellectual integrity.

CHAPTER XIII

HARDING AND THE NEW HOUSE

IF THE power of organized leadership under the Speaker of the House was annihilated by the revolution of 1910 and the subsequent Democratic reforms which followed that initial triumph of liberalism, the prestige of the lower branch of the legislative body was much enhanced by certain new rules adopted from the Sixty-Second to the Sixty-Seventh Congress relating to the exercise of the appropriating power. Not in all its history had the House so firmly insisted upon preserving its great prerogative under the Constitution as during this period.

By successive steps the House of Representatives consolidated its constitutional powers with respect to the public Treasury, until at the close of the fiscal year 1922, when the supply bills for the ensuing twelve months had been enacted, the House stood supreme and dominant in its control of the public funds, and in an entirely new relationship to the Senate, which had sustained a serious blow. In many essential respects the House of Representatives had never been stronger than at this time.

This significant increase in the dignity of the House, which made it by far the stronger of the two bodies of Congress, was produced, with respect to the appropriating power, by the adoption of three rules,

two of them growing out of the establishment for the first time of a federal budget—although indeed there had been in the House up to the Thirty-Ninth Congress a single committee having jurisdiction over both revenues and expenditures, which virtually amounted to a budget committee.

Under this single committee, reporting both revenue bills and appropriation bills, the fiscal power of the House closely centralized, the Civil War had been financed. With Thaddeus Stevens at its head, and its members including the ablest men of the House, directly and immediately responsible to and responsive to the majority, this committee visualized at a single glance the needs of the government as a whole, and then levied the taxes to raise the money to meet them. It was a method at once businesslike and economical, and the House under the able Speakership of Mr. Colfax functioned without loss of effort, without panic and without extravagance.

When this committee was finally divided, and the appropriating power transferred to a single Committee on Appropriations, of which Mr. Stevens by his own choice and the desire of the leadership became the head, the business of the House had increased so enormously as to render this reform imperative in the opinion of the men then responsible for its orderly conduct. But the immense labors of Congress, the multiplicity of details with which it was obliged to deal, were as nothing compared with what they afterward grew to be. The House met the increasing burden of responsibility not by a consolidation of power with respect to the public budget, but by a further dissipation of that power. In 1885 the power of the

House was weakened, under the speakership of Mr. Carlisle, by action taking a part of the appropriating function from the Committee on Appropriations, and distributing it among a number of legislative committees, and in this way the Committees on Military Affairs, Naval Affairs, Post-Offices and Post-Roads, Agriculture, Indian Affairs and Foreign Affairs, were authorized to bring in their own supply bills. Mr. Cannon, denying that this was a reform, declared that the changes in the rules of the House in this respect were made by the Democratic leaders to punish Samuel J. Randall, chairman of the Appropriations Committee, for his insurgency on the tariff, and that the innovation was encouraged by the members of President Cleveland's Cabinet to curb the power of the forceful Pennsylvanian, and probably because they saw the advantage to the executive departments. "It was," says Mr. Cannon, "the beginning of executive interference in legislation which has led to executive dominance in legislation for appropriations to meet the demands of the spenders instead of the demands of the taxpayers." * Under the new plan begun in 1885 there was an appalling increase in appropriations, out of all proportion to the increase in the population of the country.

Each of the committees having appropriating authority became a special pleader for special governmental interests. Each committee had a restricted vision, and none saw the nation as a whole. The Military Affairs Committee was wholly concerned with the military establishment, the Committee on Agriculture with the particular subjects coming within its

**Harper's Magazine*, October, 1919.

purview. Departmental influence increased, and appropriation bills became the carriers of legislative enactments having no place in them. Policies of the government were made in supply bills, which became the vehicles of bureaucratic fads and follies. The system led to a saturnalia of spending, a debauch of extravagance.

The establishment of a budget became a necessity, and was advocated by Democratic chairmen of the Appropriations Committee as early as 1910. The Sixty-Sixth Congress passed a budget act, which originated in the Republican House, but which President Wilson vetoed because Congress insisted upon retaining the power to remove the Comptroller of the Treasury. With the advent of President Harding the measure was reenacted, and became a law, with the provision to which Mr. Wilson had been opposed, and which contains the germ of a possible conflict in the future between the Congress and the Executive.

The establishment of the budget system made it necessary for the House to change its rules with respect to the committee organization, in order that it might properly function. Obviously there could be no true budget with a scattered appropriating power in the House, and so that power was concentrated in a single Committee on Appropriations, which was increased from a membership of twenty-one to thirty-five, in lieu of the eight separate committees which up to that time had exercised the appropriating authority.

The establishment of the budget, and the modification of the rules essential to its proper administration, alone would furnish testimony of the high order of

intelligence in the leadership of the Sixty-Sixth and Sixty-Seventh Congresses, but it would be a mistake to assume that this forward step toward the stabilization of the national fiscal system was taken by the House upon its own initiative, or to imagine that the incidental reorganization of the Committee on Appropriations was accomplished without the exertion to their full extent of those reduced elements of power still left in the leadership of the House under the Republican scheme of management. Mr. Mondell and his associates, chief among whom was Representative James W. Good, of Iowa, who, as chairman of Appropriations must be given the greater part of the credit for putting this reform through to a successful conclusion, won no easy victory. The House acted, in this instance, as it had acted so often before, and notably in the deprivation of the Speaker of all his powers, in response to pressure from the country. It did not accept the change without resistance, and it was in overcoming that resistance through the power of persuasion, the chief power left to it, that the Republican leadership of the House achieved its most signal moral triumph, and demonstrated the value of the new régime. No more intelligent action could have been taken by the highly centralized and absolute power of the speakership.

Under Mr. Mondell, and Mr. Good, the leadership of the House was able to bring about a complete separation of the Appropriations Committee and the legislative committees which formerly had exercised the appropriating power. This it accomplished by creating an enlarged Committee on Appropriations by adding to the old committee certain members of the

legislative committees, but in no instance a chairman of such a committee, and in depriving those who thus became members of Appropriations of membership on the legislative committees. When Mr. Good retired from the chairmanship of the enlarged Committee on Appropriations, the Republican leadership did not hesitate to break the long-established precedent with respect to seniority, in choosing as the new chairman a man whose place was well down on the committee roll.

There was almost open insurgency in the House as this reform went into effect. Members of those legislative committees, such as Military Affairs and Naval Affairs, saw with chagrin the passing into the hands of others of a great power which formerly had been their own, for there is no greater power in any legislative body, nor has been since the reign of the Stuart kings, than the power over the public purse. Each Member of the House who shares the appropriating function shares also in the power which rests in the House as a whole.

The custom which had grown up in the past of making the great supply bills the vehicles for an enormous mass of legislation had not failed to elevate members of those committees to places of unique distinction. Those who framed the naval and army bills, and the bills providing funds for the post-office, and the agricultural departments, enjoyed a very great influence in those departments of the government. They not only granted the moneys from the Treasury, but they very largely wrote the laws. All this was now altered. The first appropriation bills passed under the budget were remarkably free from legislation.

Thus it was argued that eventually the legislative committees which had been shorn of the appropriating power would come into a new power in the House in consequence of their ability to devote all their time to the study of special departmental problems and the writing of special legislative bills. But while it was true that the appropriation acts passed for the first time under the budget system were singularly free from legislative "riders," it must also be remembered that a governmental policy can be laid down in an appropriation law as effectually as in any other statute, however indirectly it may be done. To impose a limitation on an expenditure is to define a policy; to restrict the navy to a certain specified sum for submarines is to determine the government's policy with regard to undersea craft as effectually as though it were done in a strictly legislative statute. It would be of little avail for the Committee on Naval Affairs to report a bill fixing the enlisted personnel of the navy at one hundred thousand men if the Appropriations Committee should bring in and secure the passage of an act making provision for the pay and subsistence of only eighty thousand, in terms prohibiting, as it has the power to prohibit, the department officials from exceeding that appropriation or incurring a deficiency. Thus it will be seen that on the whole the House surrendered back to a centralized Committee on Appropriations, which formerly had possessed it, an enormous part of the power of the House.

Yet in creating a single Committee on Appropriations, a step in return to the system of a single budget committee—Ways and Means—which had existed until the Thirty-Ninth Congress, the House had not weak-

ened itself, but had very much strengthened itself, both in respect of its relationship with the President, and with the Senate, which was, incidentally, obliged to reorganize its own Committee on Appropriations by creating a new, but somewhat less centralized body.

The budget system, as established and as put into effect bid fair to make the House of Representatives absolute in matters concerned with the appropriation of funds from the Federal Treasury. Many of the advocates of budgetary reform had conceived of the budget as an executive institution. The House calmly ignored this view of it, and established and used the budget as an institution of the legislative branch of the government, under the broad grant of the Constitution.

When President Harding sent to Congress the first estimates under the budget, estimates which were remarkably strong in the exceptional power of generalization manifested therein, but weak in details, he disclosed in a most striking manner the extent of his lack of appreciation of the psychology of the Congress which had been elected as a part of the manifestation of the reaction against the dominating presidency of Mr. Wilson. He did not seem to appreciate how strongly the tide was running in the direction of a strong Congress, or how greatly the Congress with which he had to deal was influenced by its subconscious determination to exert its powers and exercise its functions. The President desired, and permitted his views to become public,* that Congress should not make "any substantial changes in the estimates" which were submitted to that body.

**New York Tribune*, December 14, 1921.

With this view there was absolutely no sympathy in the House, which had no intention of surrendering its constitutional prerogative over the federal purse into the hands of the Executive. No more astounding theory of government could well be enunciated. No Congress could accept a budget prepared by a bureau chief in the Treasury Department, and translate it into law, without the surrender of that weapon with which an Anglo-Saxon Parliament had first wrung liberty from headstrong royalty.

The budget system in Congress was distinctively Progressive in its inception. It was brought about as a part of the effect of the reform movement which had overthrown the old inflexible régime in 1910. It grew out of the liberalization of the rules of the House. Mr. Good, who had fathered the reform and had carried it to a successful conclusion, had been elected to the House in the Sixty-First Congress in consequence of the sentiment in Iowa favorable to the reformation of the Republican party under Speaker Cannon. He went to the House with a definite object in view. He had voted, on March 19, 1910, for the Norris Resolution which had marked the downfall of the speakership. He had carried out his ideas when he had been advanced to the head of the Appropriations Committee. The adoption of the budget system by the House was not reactionary, but liberal, but liberalism in the House never meant the weakening of the House, but was concerned with the enhancement of its powers. Hence the House in the Sixty-Seventh Congress was of no mind to surrender any of its authority, obtained from the organic law, into the hands of the Executive. The reaction against its "rubber stamp" days was in full

swing. The Appropriations Committee considered the budget which the President submitted as being a more scientifically prepared book of estimates than it was accustomed to receive from the Secretary of the Treasury at the beginning of each December session. That was all. The usual hearings took place, department and bureau heads were examined in the formal manner, and in spite of the care which had been expended upon the preparation of the budget, the committee took in all twenty thousand printed pages of testimony. In the end it reduced the budget estimates by many millions of dollars, and also added a few millions for items which had not been included in the budget estimates. The total net reductions from the regular and the supplemental and deficiency estimates of the budget, made in the various appropriation acts for 1923 as finally enacted into law amounted to \$312,172,292.27, or a decrease of approximately seven per cent. in the total amount requested.* The Congress, in its first enactments under the federal budget, had asserted its independence and had quietly enhanced its power in its relation to the Executive. It had demonstrated that under a budget system it could preserve its great constitutional right unimpaired, and that there would be no yielding or weakness on the part of the representatives of the people. It was clear that any hope which might have been entertained anywhere of the establishment of an executive budget must be abandoned. The House had not only maintained, but had tightened its hold upon the strong box of the nation.

The sharpest clash of powers between the House

**Congressional Record*, Sixty-Seventh Congress, second session, p. 11065.

and the Executive occurred over the appropriations for the army and navy. In both instances large reductions were made below the budget estimates, despite the pressure brought to bear upon Congress by President Harding, whose psychic blindness prevented him from seeing that the determination of the House to bring the provisions for the naval and military establishments within the program of economy was due to that very pacificism in the country which he himself so assiduously cultivated in order to facilitate the ratification by the Senate of the pacifist treaties of disarmament and alliance which had come from the Washington Conference. The President's pacifist speech on the occasion of the burial of the Unknown Soldier had sounded the only key-note to which Congress would respond, and the subsequent efforts of Mr. Harding to advocate a policy of national surrender at the Senate and of national defense at the House, at one and the same time, inevitably ended in fiasco so far as concerted action upon an administration policy was concerned. The House emerged from this encounter with the executive will immeasurably strengthened. It had written down in unmistakable words whose meaning was plain to all who cared to read, the bold assertion of the right of the House of Representatives to shape national policies through the exercise of the appropriating power. The Republican party was true to the faith which had been founded by Henry Clay. Congress held both the sword and the purse.

In only two major instances did the House in this Congress increase the amounts reported by the committee. In both the motive actuating it was not flattering. The House added some millions to the items mak-

ing provision for internal improvements in rivers and harbors, and granted a larger sum for the navy than the committee had recommended. Selfish local considerations largely produced the votes necessary to the accomplishment of this overriding of the committee, but the experience of the House with the centralization of appropriating power operating under a budget very clearly showed that a far better system than the old one had been devised for the elimination of those grossly wasteful and demoralizing measures known as "pork barrel" bills, through which, in the past, the leadership of the House had paid off its debts.

With respect to the Senate the aggrandizement of the power of the House, in the matter of appropriations, was equally significant. The budget was one of three reforms established between 1911 and 1921 through which the supremacy of the House had been emphasized. The second was a return, in the Sixty-Second Congress, to a radical rule relating to the inclusion of legislation in appropriation acts, which had been in force many years previously. As early as 1835 Mr. John Quincy Adams, of Massachusetts, had suggested the advisability of a plan under which the supply bills should "be stripped of everything but the appropriations," and in the year following the House considered a rule providing that "no appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not authorized by law." It was not adopted at that time, but in 1837 the situation became so serious that Mr. John Bell, of Tennessee, secured the adoption of a "rider" to the fortifications bill providing for the distribution of the surplus in the Federal Treas-

ury. This caused the defeat of the bill in the Senate, and the House thereupon adopted the rule which had been proposed in 1836. This rule substantially remained in effect until 1876, when at the suggestion of Mr. William S. Holman, of Indiana, it was amended to provide, in effect, that no appropriation should be reported in a bill, or should be in order as an amendment, for any expenditure not previously authorized by law, and that no provision or amendment changing existing law should be in order except such, as being germane, should *retrench* expenditures. Although there was jealousy "of increased power which might come to the Committee on Appropriations as a result of the rule"* it was agreed to, and remained in force a short time, afterward being dropped, except during the Fifty-Second and Fifty-Third Congresses, when it was again adopted. Then, beginning with the Fifty-Fourth Congress, it passed out, and was not a part of the rules of the House for sixteen years. The Democratic party restored the rule in the revision of the rules in the Sixty-Second Congress, and it was retained by the Republicans when they returned to control in the House. Thus the centralized Committee on Appropriations, operating under the budget, was further fortified by a rule which forty-five years earlier had aroused a fear in the House that it might give increased power to that committee at a time when it was scarcely as strong as the committee of the present day.

Operating under such a rule the power of the Appropriations Committee to enforce the most rigid economy was largely enhanced. Under it if one of the legislative committees desired, in working out a depart-

*Hinds' *Precedents*, Vol. IV, p. 383.

mental problem, to offer an amendment to an appropriation bill from the floor, that amendment, to be in order, would have to produce a retrenchment in expenditure, and obviously such amendments are not generally desired by the departments. All the sub-treasuries of the United States were finally abolished under this rule, and a reform in the administrative branch of the government accomplished with the result that large savings were made possible.

3 The third rule was adopted by the House to check encroachments by the Senate upon its constitutional prerogative with respect to the appropriation of money from the Federal Treasury, or, rather, the interpretation of its prerogative which the lower body had insistently, persistently and consistently placed upon it during a long period of years. Under section 7 of Article I of the Constitution it is provided that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills." From the beginning the House insisted upon the right to originate all the general appropriation bills, and the Senate acquiesced, without actually conceding the point. The principle to which the House adhered was predicated upon the theory that the words "raising revenue" must include all bills appropriating money to the use of the government, as well as bills for levying and collecting taxes; that the phrase "bills for raising revenue" was the equivalent of "money bills," which in the House of Commons, at the time of the establishment of the American government, included bills of appropriation.

While the House repeatedly engaged in conflict with the Senate and refused to admit the right of that body

to originate a bill for raising revenue, or for the appropriation of money except in special bills, actually the Senate exercised great authority in shaping all kinds of fiscal legislation through the right of amendment. Tariff bills were often practically rewritten by the Finance Committee, and appropriation bills came to be fairly loaded down in the Senate with amendments carrying vast sums for all sorts of purposes. Generally such amendments were not considered in the Senate with that care which the supply bills necessarily received in the House, and great extravagance resulted.

When the bills thus amended by the Senate went to conference the conferees on the part of the House had the right, if they so desired, to accept them, and thus such amendments came to be accepted in conference, and the House had only the privilege of voting for or against the conference report. The practise also grew of agreements in conference upon items which had appeared in neither the House nor the Senate bills, which amounted to legislation of the utmost importance to the country and the taxpayers by the joint committee on conference. It was a very great abuse of the appropriating power of Congress, and weakened the broad authority granted to the House of Representatives by the Constitution.

In 1920 the House took another advanced step in the direction of the strengthening of its powers, when it adopted a new rule providing that no amendment of the Senate to a general appropriation bill "which would be in violation of the provisions of clause 2 of Rule XXI,* if said amendment had originated in the

*The "Holman Rule."

House, nor any amendment of the Senate providing for an appropriation upon any bill other than a general appropriation bill, shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment." By these changes in the rules the House had tightened its control of every dollar in the Federal Treasury. The powers, real and assumed, under the Constitution, had been consolidated. With respect to the raising and expenditure of the public funds the House stood supreme, and the power of the Senate had been curtailed.

This great exercise of power by the House of Representatives sprang from the fuller consciousness of its dignity and prestige which had come from the liberalization of its structure of government. The reform was carried out by the new régime which had been established upon the wreckage of the old. The House had never been more strong or more majestic.

The concentration of so great a power in a single committee, and that committee fortified by new rules and operating under a budget system, had the inevitable effect of making the chairman of Appropriations the second strongest figure in the House. Next to Mr. Mondell, the conciliatory Floor Leader, Martin B. Madden, of Illinois, towered in the new House like one of the giants of the past. Not since the passing of that mighty dictator, Thaddeus Stevens, the man of iron will and ruthless force who had financed the Civil War, had the House seen so great a tower of strength at the head of any committee as it now beheld in the master of this great super-committee, before

which the Senate was to bow and to which it was to yield.

For the first time since Joseph G. Cannon had been tumbled from the throne of Blaine and Reed there was an individual in the House who could put on his hat and walk to the other end of Pennsylvania Avenue and talk to the President of the United States eye to eye and man to man in the plain, blunt language of "yes" and "no." Plain and blunt himself, this he did, and the President saw the budget in which he had taken such worthy pride slashed by the pruning knife of the economists on Capitol Hill. Given to plain facts and blunt language, Mr. Madden had courage, but he had something more, a committee behind him well organized and determined. When the chairman spoke he spoke for the committee. He could tell the President what the committee would do, because he knew what the committee could do. Mr. Mondell could not speak thus plainly and with such finality because he could not answer for the House. He could ascertain, and report, the state of mind of the House, but he could not pretend to dominate the House; but Madden spoke for the most powerful committee the House of Representatives had ever known. When the Appropriations Committee had framed a naval bill to carry out the terms of the disarmament treaty, and it carried a sum deemed inadequate by the navy and by those susceptible to the political influence of navy yards, the President went over the head of the committee which was making a record in retrenchment, and saving the administration from a disastrous deficit at the end of the fiscal year, and, appealing to the

House itself, brought about the only serious repudiation which the committee sustained. But Mr. Harding achieved his desire, at least in some measure, at the expense of the solidarity of his own party in the House. Unwittingly the President contributed ammunition to the critics of Congress. Many of these were in the executive department of the government, and it was, perhaps, natural for them to seek to place upon Congress responsibility for party mishaps which grew out of the unsettled state of opinion in the nation; some were in the country at large, who brought to bear against the House their batteries of fault-finding either because they feared its rising power, or else but dimly and imperfectly perceived the splendid work of reconstruction of legislative responsibility which the House was slowly accomplishing under the new system. Psychologically the criticism of Congress in the early months of the administration of Mr. Harding was a reaction from the parliamentary revolution which had destroyed dictatorship in the popular legislative branch, a reaction which aimed, doubtless subconsciously in many minds, and more consciously in others, at the restoration of that central force which could hold men within the bounds of party fealty, and at the revision of all those changes in the governmental system which had liberalized not only the House, but the Senate as well.

Doubtless to those in executive places the House seemed out of hand. The independence which it manifested from the beginning was a phenomenon which had not been anticipated. Measure after measure which the administration proposed, policies deemed essential to its success, were ignored or altered. The

President was handicapped by unfamiliarity with the House under its existing system, which was, indeed, quite new even to the Members of the House themselves. He was at a disadvantage in that there was in the House no such dominant power as had enabled Mr. Roosevelt to transact so much of his legislative business with despatch. But psychologically he had no contact with the real mind of the House, and in this lay the greatest source of his discomfiture. Not naturally gifted with sharp political instincts, he failed to perceive the influences in the nation which were impelling the actions of the House, most of whose Members were responding to tremendous movements among the people, so indefinite at yet as to be comprehended not by the mind, but only by the senses. At a moment when progressivism was reawakening the President announced his dislike of the primary system. While declaring in one breath his reverence for the Constitution he would in another let slip some careless word which showed the existence of some blind-spot in his constitutional perceptions. Often actuated by a profoundly solemn desire to preserve the delicate balance between Legislative and Executive he would refrain from an executive act of suggestion, which would have been wholly permissible, until his opportunity to guide and influence the House had passed, only to assume a rôle of leadership when it was everlastingly too late. Meanwhile the House went on, gropingly enough, at times, it might seem, to the accomplishment of a splendid record of constructive work and the creation of a new and more liberalized system in place of that which had been wiped out of existence in the political renaissance of 1910 and 1912.

There were other factors which exercised an influence upon the relations between President Harding and his first Congress. In the process of becoming liberalized, of harmonizing the differences between the extremes of Republican thought, of holding both insurgency and reaction in check in the interest of the common party label, the House had seriously impaired its sense of direction, and yet was too conscious of its new freedom to have that deficiency supplied from the outside. Too many captains are as much of a nuisance as a superfluity of cooks. Under the old régime a single chef had presided over the pot, and the broth was always piping hot, although perhaps not flavored to a universal taste. Under the new régime every one wished to be putting his spoon in. Every committee chairman was a captain. The destruction of the speakership had enhanced the power in the House of the individual chairman, and the tendency in this direction became marked with the departure from the House of Mr. Underwood, whose administration had been strong, and the advent, as his successor, of Mr. Kitchin, of North Carolina, in whose time Mr. Wilson rose to his amazing apogee.

The reaction from Mr. Wilson's exercise of the executive power was already manifest in the House in the Sixty-Fifth Congress, when there were rumblings of outraged dignity and murmurs of discontent; but it became pronounced in the first Republican Congress after the close of the war, and was running at flood tide as Mr. Harding entered the White House. These were conditions, psychological and practical, over which he had no control. With respect to them he managed to establish his relationship with the House

with more success, perhaps, both from the point of view of his own reputation and the success of his party, than could have been achieved by any other man who might have found himself in his position in the early spring of 1921.

The President knew nothing of the machinery of House government. He cultivated the political friendship of the Speaker, although Mr. Gillett was without any actual power and was of no mind to attempt the exercise of any. Although accomplished and able, the man who held the Chair of Cannon but dared not try to wear his old shoes had passed the stage in life when ambition might have prompted him to throw himself into a rough and tumble fight for the mastery of the House, and so the opportunity which occasionally offered passed him by each time, and awaited the advent on some distant day of a man of the bold and impatient spirit and the restless intolerance of a Clay, a Colfax or a Reed. Mr. Gillett had no desire to declare a war, define a national policy, or count a quorum, but wished to be solely what the will of the House which he served had made him, and so the President found in him a broken reed. Mr. Gillett left unanswered the question as to what would happen in the new House of Representatives some day when an irresistible personality met an immovable idea.

There was another condition in the House which seemed baffling to the mind of the President. This was the highly intensified independence of the individual member. With party lines weakened the tendency was for each man to think and act for himself. He was no longer coerced or instructed by the caucus, and the restraining influences of that instrument of stern dis-

cipline no longer held his intellectuality in check. Inevitably a candidate for reelection, he outlined his own campaign, and paddled his own political canoe. Gradually he committed himself to his constituents on an increasingly large number of issues, without respect to the campaign plans or commitments of his associates, who were doing precisely the same thing; so that by the time the administration was ready to announce a policy the Republicans in the House whose votes were essential to its consummation had long since taken a definite stand on the question therein involved, frequently one quite at variance with the program of the executive departments of the party. The primary had made the Congressman an individualist and had deadened the old sense of clanship in the opinion of those who found their best laid plans grievously disturbed by these manifestations of congressional disintegration, although actually the primary had been an effect rather than a cause.

There was no sign of the old Progressive party in the House when Mr. Harding floated into office on his billowy majority, but there was a great deal of progressivism. Many of the men who had helped to overthrow the old Republican régime had risen to places of responsibility, and functioned side by side with disciples of the denatured chieftains of the past. These liberals and progressives, some of whom had followed Mr. Roosevelt on the great adventure of 1912, quietly proceeded to give color to legislation which almost gagged the conservatives who later on were obliged to swallow it, legislation of a character not at all like that which the old-fashioned Republicans had confidently counted upon in 1920 as with infinite satisfaction they contem-

plated the return to power of the party of McKinley and Hanna. So there were two sorts of Republicans in the House, and this was an awkward fact, as stubborn as it was unpalatable. As the head of a united party Mr. Harding's task would have been a day's work each time the sun came up. He applied himself to the job with the only assets he had, good humor and friendliness, and a desire to be helpful and to please. No others would have been of avail.

Owing to the peculiar organization of the House, in his contact with that body he did not confine his touch to a single point. The time had passed when a single Member endowed with all the power of the House could meet the President eye to eye and speak in the voice of authority save on the subject of appropriations. Also the time had passed when a single man in the White House could summon there a leader from the Capitol and inform him as to what Congress was going to do. The President discussed the legislative situation in a spirit of mutual respect and friendliness with all the leaders, great and small, the Speaker, the Floor Manager, the chairman of committees, but when he had done so he was still a stranger to the innermost thoughts of the real House.

The House no longer had a composite mind. The tendency toward individualism checked its development. But nevertheless it had a supreme confidence in itself. It was willing to work with the President, but not under him, and when its interests and its self-esteem were incompatible with the desires of the Executive it was not the House which yielded. It was equally self-conscious in its relationships with the Senate, which it rather astonished when, in the

exercise of its considerable prerogatives as to foreign relations under the Constitution, it passed its own resolution declaring the war with the former Central Empires to be at an end, and by a unanimous vote rejected the resolution which had been previously adopted by the other body.

There were difficulties in the House itself, of a purely mechanical character, which rendered the problems of the President more troublesome. The committee system was archaic. It was crying for reform, but was hallowed by tradition and fortified by selfish interests. Some of the more important committees had existed from the time of the First Congress, and many were a century old. In the Sixty-Seventh Congress the Standing Committees, through which all the legislation passed in the preliminary processes of preparation, had increased to sixty in number, but they were imperfectly coordinated with the bureaus and departments of the executive branch of the government. Before the creation of the centralized Committee on Appropriations, the funds for the support of a department might be scattered through a great number of bills. The reform effected under Mr. Mondell and Mr. Good, and carried out under Mr. Madden, corrected this deplorable and unscientific state of confusion, but the rest of the committees of the House were in many instances not in conformity with the structure of the government, a condition which made it difficult for the President to transact his business with the House. Moreover the seniority rule, generally adhered to, was responsible for the fact that in a number of cases important chairmanships were held by men who were incompetent. Often the best minds on committees could not be utilized by

the party because of the system which accorded rank and power to those who had earned their places by long service rather than by good service. It was inevitable that there should be embarrassments. Party policies were jeopardized and programs upset at most inopportune times.

The President met all these conditions with infinite patience, but it was only natural in the circumstances that his leadership should not have been impressive. This was not wholly because of Mr. Harding's lack of the essential qualities of leadership. The party of which he was the theoretical head did not look to him for leadership because the party was not susceptible of being guided by a single mind; the party itself was not united spiritually. Coincident with an inevitable breaking down of the sense of responsibility in the House, due largely to the fact that the individual Member no longer felt as he had under the old régime the restraining influences of party, there was a greater carelessness in the attention to business. The task of the new leadership of Mr. Mondell was infinitely more difficult than had been that of Mr. Cannon. To the extent that this was so was his success the more notable.

During the past two decades there has been a significant increase in what might be called the purely personal duties of Congressmen, who became, indeed, almost the special agents in Washington of their constituents. They came to be called upon, more and more, to attend to innumerable matters unrelated to their legislative functions, to obtain passports, to urge the granting of pardons, to secure the admission of aliens, to report on claims against the government, to do the errands of influential persons in their con-

gressional districts, and whereas there had been a marked decrease in their activities on behalf of office-seekers, the other matters came to be more and more a drain upon their time which should have been devoted strictly to the major business of law-making. Owing to the power of confirmation possessed by the Senate, Members of the House were naturally less interested than Senators in matters of patronage, while the steady growth of the civil service had tended to weaken the patronage power of the President in some degree. Hence the House felt comparatively little the pressure which Executives exert through the distribution of federal offices.

Not only was the House much more unwieldly by reason of its larger size, than it had been under the old régime, but the private offices of Members had been removed to a building some little distance from the Capitol. In the time of Reed few were influential enough to have assigned to them offices in the Capitol, and only committee chairmen were adequately housed. The average Member's office was under his hat, and one would find him dictating his correspondence to his stenographer in the corridors outside the House chamber, or in some quiet nook behind a sheltering bit of bronze or marble in Statuary Hall. The conditions at that time imposed some hardships upon Members, but they had the effect, at least, of keeping them always close to the House when it was in session, and there being no better place to go they would stay on the floor. The result was that attendance was better under the old régime than the new, when Members spent much of their time in their offices outside the Capitol building. Instead of being rounded up by the "whip" when their presence was required

by the leaders, under the new system they would be summoned by electric signals, and so it came about that the real business of the House was transacted by a comparatively small number of men in actual attendance upon the sessions, the others rushing in from time to time, to answer the roll-call, and then darting out again to hurry back to their offices there to remain until another occasion to vote might arise. Under this system, due to the great growth in the membership of the House, the problems of leadership were increased, and the average Member suffered in the long run from a lack of familiarity with the intricate details of the business of legislation.

In spite of all these conditions the House grew in freedom, in liberalism and in democracy. Its legislative record conferred upon it a high distinction. It passed such measures as it desired with remarkable efficiency and despatch. It declined to pass those which it did not favor despite the pressure from the executive part of the government. It proved to be able, courageous and remarkably independent. The one act of stultification which, from its own point of view, at the close of the second session of the Sixty-Seventh Congress, marred an otherwise perfect record, was the surrender of its constitutional tariff-making power to the President in the Fordney-McCumber law. The House accepted this way out of an embarrassing political situation, appreciating that there had been planted in that act the germ of future conflict between the Legislative and the Executive. The overriding of the presidential veto of the soldiers' compensation act had more truly reflected the real spirit of the new House.

CHAPTER XIV

THE SENATE IN EVOLUTION

WHEN the Republicans returned to power in Congress in 1919 the House took the initiative in establishing helpful and harmonious relations, through the medium of the party, with the Senate, but the effort proved only partly successful. In the Sixty-Sixth Congress Mr. Mondell proposed to Senator Lodge, the Republican leader of the Senate, that joint meetings of the Steering Committees of the two bodies should be held from time to time, with a view to the reaching of agreements on the legislative program. This was an innovation, and a most interesting experiment. To discover the reasons for the failure of a plan so admirably adapted to party needs one must look rather in the Senate than in the House. Numerous factors contributed to the abortive attempts made to unite the party in Congress, and these became even more conspicuous when the election of a Republican President in 1920 made harmonious party action still more desirable.

The idea of a Joint Steering Committee originated in the mind of Mr. Mondell, who had been making various discoveries as to the efficacy of conference as a part of leadership. Up to this time * informal conferences between Senate and House party leaders, so

*February, 9, 1920.

called, had been held from time to time, but the creation of a joint body, the product of the caucus of each House, was new. It was not a joint committee of Congress, nor even such a committee of the two Houses as had been inspired by Henry Clay and from whose deliberations had come the Missouri Compromise. Mr. Mondell's plan was for an institution wholly within the party, and when it was agreed to on the part of Senate Republicans great expectations with respect to it were entertained.

There has always been a great deal of jealousy between the Senate and the House, but there was a manifestation of this during the Sixty-Seventh Congress of unusual significance. Those responsible for the party welfare in both Houses blamed each other for mishaps and failures, and the tendency was not retarded by the enormous increase in the power of the House which grew out of the reforms with respect to appropriation bills.

As the head of his party President Harding encountered conditions in the Senate no more conducive to the exercise of leadership on his part than those which prevailed in the House. They grew out of circumstances over which the President certainly had no control, although it became the habit of those of critical turn of mind to hold the President in some manner responsible for the legislative misadventures, and to attribute them to the Executive's lack of the instincts of leadership, and to the demoralization of Republican leadership in the Senate. With respect to the latter it was widely held that the primary and the direct election of Senators had destroyed party solidarity, but this was a superficial view, for the truth is that

in the Sixty-Seventh Congress there was precisely as much leadership in the Senate as there had ever been. The facts are that there has never been any leadership in the Senate.

It was quite true that in the first Congress under President Harding the Republican majority of the Senate did not function as a unit, but this was not because it lacked leadership, but because the Senators who comprised that majority were not knitted together by common ideas and purposes. Mr. Lodge had managed to hold his party together on the League of Nations because concerted party action, in some measure, was a political necessity, and every Republican Senator had a personal and selfish interest in seeing his party established in power and himself become a majority instead of a minority Member of the Senate, with enhanced prestige and prerogatives. As soon as this major necessity no longer exerted its cohesive force, the majority tended to disintegrate. Obviously a Steering Committee in the Senate whose members were actuated by few impulses in common could accomplish little in conjunction with a similar committee of the Republican majority of the House. For this reason the efforts of Mr. Mondell to establish an instrumentality of the party for the discussion of legislative questions and the arrangement of programs between the two Houses, in advance of legislative action, did not enjoy that measure of success which the idea deserved to attain.

It was a part of the plan of the Floor Leader of the House that there should be frequent conferences between the President and the Joint Steering Committee, and those who believed that party programs could be

determined through the processes of reason as readily as through the exercise of political force, entertained the liveliest hopes with respect to them, but such White House meetings were of rare occurrence, even at times when party interest prompted the maximum of cooperation between Executive, Senate and House. J

In a quest for an explanation of the failures of the Republican party to function like a machine, the political philosophers of the party came to no more sound conclusion than that the whole trouble was due to the lack of leadership in both Senate and House, and comparisons with the past were made not at all complimentary to the present. There were sighs and lamentations for the old days of Cannon and Aldrich. Cannon had been, as Speaker, the leader of the House, but Senator Aldrich had never been the leader of the Senate, except through the power of brains, and there was just as much opportunity for that sort of leadership in both House and Senate, under the new system of liberalism, as ever there was in the past under the régime of absolutism.

In the Republican Senate leadership rests theoretically in the chairman of the conference, and that chairmanship is largely a matter of seniority. In the Fifty-First Congress John Sherman was chairman of the caucus, and there was some bad feeling about it since the venerable Ohioan had been out of the Senate as Secretary of the Treasury, yet insisted upon considering his seniority quite intact despite this circumstance. In this Congress William B. Allison, of Iowa, was chairman of Appropriations, and was also a member of Finance, of which Justin S. Morrill, of Vermont, was chairman. Mr. Sherman was chairman of Foreign

Relations. Mr. Allison succeeded Sherman as chairman of the Republican conference, or caucus, and the leadership of the Senate passed to the Committee on Appropriations. Mr. Allison was succeeded as chairman of the caucus by Senator Frye, of Maine, who served until April 4, 1911, when he declined further service in that post, and was succeeded by Senator Cullom, of Illinois, and on that same date Mr. Charles Curtis, of Kansas, was chosen secretary of the caucus. On March 5, 1913, Mr. Gallinger, of New Hampshire, was unanimously chosen chairman of the caucus, and on August 24, 1918, he was succeeded by Mr. Lodge, of Massachusetts, who was to be chairman of Foreign Relations later on.

During this long period of more than thirty years Mr. Lodge was the only Republican Senator who, as chairman of the conference, was in any sense "The Leader" of the Senate, and this leadership he exercised with conspicuous success, only during the period of the struggle over the Treaty of Versailles. For the rest, during a considerable part of this period, on the Republican side the actual leader of the Senate was Nelson W. Aldrich, of Rhode Island, who owed his pre-eminence partly to his place on the Steering Committee, but more to his membership on, and afterward his chairmanship of, the Committee on Finance, and to his extraordinary natural talent for leadership at a time when the party was strongly united and obedient to the dominant economic influence in the nation, the influence of powerful aggregations of capital.

Those Republicans who in the House had taken part in the revolutionary movement of 1910, who had restored democratic government in the House, and had

then gone to the Senate largely in consequence of the progressive reputations they had made in the other body, carried there the leavening influences of liberalism. There they were joined also by men of like tendencies of mind, who had reached the Senate directly from their states, where they had been engaged in mighty conflict with the great business interests, the corporations and the railroads, which had undertaken to usurp the very functions of government. In such an atmosphere as they carried with them into the Senate the leadership of an Aldrich could not long exist. Men like Beveridge and Dolliver, like Cummins and Norris, like Kenyon and Borah, took orders from nobody. Individualistic to an unusual degree, of exceptional talents of mind, of extraordinary firmness of character, such figures as these in the Senate marked it at once with a high distinction, not that all were of the same magnitude, for they varied in intelligence and in soul, but because they gave to the great forum of the nation a contact with the masses of the people. There were some others, all men of the breed not easily led, among them Hiram W. Johnson, of California, Lenroot, of Wisconsin, and Jones, of Washington.

There has never been any historical background for the mythical institution of leadership in the Senate. Brains and ability have always taken its members farther than political power. The Senator held his seat as the ambassador of a sovereign state, and even after the adoption in 1913 of the Seventeenth Amendment of the Federal Constitution, which provided for the election of Senators by the vote of the people, something of the old tradition remained.

This constitutional reform, making the Senator re-

sponsible to the people, accentuated his individualism, but it did not create it. It had a tendency, as the primary had had in the House, to undermine party solidarity, but it did not start it. The Senator came to think more in terms of himself and his own reelection, nearly always an impelling motive, and less in terms of party; but as in the House, where under the new régime a tariff law was passed in the Sixty-Seventh Congress under a "gag" rule as drastic as any which the mind of Reed or Cannon had conceived, there were no mechanical obstacles in the way of concerted party action, save the freedom of debate, by which the rights of the minority were preserved. Whenever the majority desired to act it could act, and when it did not do so it was because the majority was not swayed by common intellectual impulses.

The rules of the Senate were always more liberal than those of the House, as was natural in so small a body. Much business was transacted by unanimous consent, and a Senator in charge of a bill was always the Floor Leader. The right of unlimited debate and the power of any Member to call up a bill at any time largely did away in the Senate with the necessity for a Steering Committee. Nevertheless such a committee was created by the Republican conference in the Sixty-Sixth Congress, and it was with this that Mr. Mondell proposed joint meetings with a similar committee of Republicans in the House. Several meetings were secretly held in a room set apart for the purpose in the Capitol, and they were helpful in the formulation of party policies at a time when the party was not in power in all branches of the government.

When Mr. Harding became President an earnest

effort was made by the Republicans of the Senate to create, by main force as it were, an organization which could function with the President, but there were psychological factors in the Senate and in the country which were not taken into consideration. However, the Steering Committee was reorganized with a view to strengthening the power of that undefined institution known as the "leadership," although there was absolutely no leadership in the Senate whatever, as time was to show. Senator Porter J. McCumber, of North Dakota, had been chairman of the committee in the previous Congress, but he retired to become a member of the Committee on Committees, which was engaged in an important revision of the committee system of the Senate, and was succeeded as chairman of the Steering Committee by Senator Lodge, until that time only ex-officio a member of the committee, who thus formally became chairman of the caucus, chairman of the Steering Committee, and chairman of the Committee on Foreign Relations. It represented a considerable concentration of party power in his hands. It was believed, by the optimistic, that at last the Senate would have a real leadership in the majority party.

There was yet another instance of the concentration of party power in the hands of a single Republican Senator. For many years Senator Curtis, of Kansas, had been growing in influence, until the Sixty-Seventh Congress found him in a unique position in the party and in the Senate, as vice-chairman of the caucus, the Republican "whip," member of the Steering Committee, member of the Committee on Committees, chairman, after the death of Senator Philander C.

Knox, of the Committee on Rules, and member of the powerful fiscal Committees of Finance and Appropriations. No other Senator in the long annals of the Senate had ever filled at one time so many posts of responsibility, and yet, in the one great essential of leadership Senator Curtis was deficient, for although he could lead, not all of his power could compel another Senator to follow him against that Senator's judgment and will. Leadership in the Senate, in the sense in which it had existed in the House under the organization of Reed and Cannon, was always foreign to the genius of the Senate, and never more so than in the Sixty-Seventh Congress, when a Republican President coming upon the scene at the close of a war which had been volcanic in its social and economic and political consequences, it was never more greatly needed by the Republican party. A man of great natural political talent, indefatigable, willing and ready at all times to assume whatever burden of hard work his manifold duties might put upon him, familiar with the rules of both Senate and House, in which he had served with distinction before going to the Senate, and thus singularly competent to render service to his party, Mr. Curtis might have been able to hold the party together under a different system. The Senate gave him no such opportunity.

Whereas in the first Republican Senate after the close of the war international questions engrossed the attention of its Members to the exclusion generally of domestic affairs, in the Sixty-Seventh Congress the most pressing problems were economic, and the titular leader of the Senate was chairman of the Foreign Relations Committee, and not a member of Finance.

The chairman of that committee, who under different circumstances might have taken the place Aldrich had once held, was dying, and the passing of Boies Penrose marked the departure from the Senate of the last of the natural Republican leaders, a man of the type whom men follow, because they have those qualities of mind which enable them instinctively to guide the way in time of doubt. Like Aldrich, Penrose was never at a loss to find on the Democratic side of the chamber such votes as he might require in time of need. Politics to him was a science and an art. If he had lived he might have consolidated something of the powers inherent in the majority, but when he had passed from the scene there was none other left who could succeed at so great a task.

Of the younger men of the Senate few were gifted with natural political instincts. Mr. McCormick, of Illinois, belonged to the Progressive wing of the party, and his influence in the politics of the Senate was exerted in many directions and proved helpful to the general party interest, but although he became a member of the Steering Committee, Senator McNary, of Oregon, who also possessed one of the good political minds on the Republican side of the Senate, did not, and the extraordinary spectacle was presented of two Senators so remarkable in their political peculiarities as Mr. LaFollette, of Wisconsin, and Mr. France, of Maryland, going upon the Steering Committee, the nearest thing which the Senate had to a governing body. Neither of these represented in the Senate anything save himself, for each was intensely individualistic and possessed a mental equipment cut on the bias. Mr. Lodge, who appointed the Steering Committee,

doubtless was actuated in making these amazing selections by a motive sufficiently clear to himself, but it was foreordained that no committee undertaking the delicate duties of a Steering Committee of a majority party could function when included in its membership were two men each of whom constituted in the Senate a minority of one. The complete demoralization of the so-called Republican leadership in the Senate was exposed when Mr. LaFollette, a member of the Steering Committee of his party, opened his campaign for reelection in Wisconsin in the summer of 1922 by making a vicious attack on every major policy of his party.

The other members of the Steering Committee, which, like the comparable committee of the House, was a caucus institution with an invisible office and a theoretical occupation, included Senator Wadsworth, of New York; Senator Fernald, of Maine; Senator Frelinghuysen, of New Jersey; Senator Kellogg, of Minnesota, and the progressive Mr. McCormick, who was also chairman of the Senatorial Campaign Committee, and a most active and useful Senator.

It was hoped that through this Steering Committee Senate power would be concentrated and centralized, and that being fairly representative of the varying shades of opinion in the Senate, it would be able to expedite the business which pressed heavily upon the party. It was planned that there should be close cooperation with the Steering Committee of the House, and frequent meetings in joint session were on the program of the party managers who thus undertook the rôle of leadership. These high hopes were not realized. Cooperation between Senate and House through this

medium was not of frequent occurrence, and joint conference with the President failed to materialize.

In the beginning there was little appreciation of the real situation in the Senate. Mr. Penrose understood it, for he was a profound psychologist, and having played, from what was virtually his death-bed in Philadelphia—although he afterward resumed his place in the Senate—an important part in the party intrigue which had led to the nomination in Chicago of Mr. Harding, he knew something of the terrific forces in the country which had desired the nomination of a man of a different type of mind, and realized that they were represented in the Senate. Typifying in the popular idea all that stood for bosses and bossism in American politics, Mr. Penrose, the least understood man of his day, was essentially progressive and liberal, and was a party leader, in a state which had known the boss system since the foundation of the Colony by William Penn, the first American political boss, not by virtue of overriding the people and thwarting them of their desires, but because he had an unerring instinct for ascertaining what the people wanted before they knew it themselves, and a shrewdness which enabled him to use this instinct to his own advantage, and that of his party. He left, as a possible successor, Mr. James E. Watson, of Indiana, who some years before had been a part of the brilliant Cannon organization in the House of Representatives. He was the friend and confidant of the astute Pennsylvania "boss," was familiar with his mental processes, and knew his way about, to a considerable extent, through those labyrinthian byways of American politics which were the

trails which led from Spruce Street, in Philadelphia, to the lairs of lesser Republican bosses in every part of the country. Thus Mr. Watson enjoyed the confidence of his party leaders in the nation, especially in the field of business, and was always in a position to be well-informed with respect to party needs and desires and to command that support elsewhere which is essential to successful leadership in Congress. He could not take the place of Boies Penrose for the reason that he was lacking in those subtle qualities of mind which so distinguished the Pennsylvanian among all political leaders in America in recent years, but he was safe, cautious and prudent, and thoroughly schooled as any man must have been who had come up from the ranks in the old House under Speaker Cannon and John Dalzell. Effective in debate and always ready and alert to guard the party interest, far-sighted and quick to sense an approaching political danger, Mr. Watson had an extraordinary capacity for making friends, and under different circumstances he might have led the Republican majority in the Senate with brilliant success from the point of view of the general administration advantage; but circumstances in the Senate were as they were, and not as ardent partisans might have desired them.

A new power was rising in the Senate as the Sixty-Seventh Congress convened. This was the power of the West. The reelection of Woodrow Wilson, in 1916, by the votes of the Trans-Mississippi States, gave to that section a renewed consciousness of its importance in the national life which was reflected in the aggressiveness of the western Republican men in Congress and particularly in the Senate. The mental restless-

ness of the West, its intellectual independence and its desire to try new things and tread untrod ways, which had been demonstrated by the appearance of such distinctive innovations as the Kansas Industrial Court, the most constructive contribution to the structure of government in this period, were shown by the vigor with which new doctrines of the obligations of the government to the people were proclaimed. These doctrines were generally repugnant to the conservatism of the East, and resistance to them brought about the actual exertion of those forces which were potential in a political element holding the balance of power.

Precisely as a western economic necessity in 1810 had led to political insurgency in Congress so western economic necessity led to a bi-partisan movement akin to insurgency in Congress at the beginning of Mr. Harding's administration. It was wholly western in inspiration, although southern Democrats participated, and grew out of an effort on the part of Senators and Representatives from the farming sections to obtain for their constituents, through the processes of legislation, relief from the economic consequences of the war, which had a devastating effect upon the agricultural industry.

The object could be accomplished only through coalition, and the conservative administration of Mr. Harding was confronted at the outset with the necessity of dealing with a movement so terrifying in aspect and so disconcerting to those influential elements within the Republican party, which believed that through some magic Mr. Harding was to begin where Mr. McKinley, whose heir and successor he had been proclaimed to be, had left off. Thus the "Agricultural

Bloc" came into existence in the Senate as the result of economic causes, but conservative Republican politicians instantly concluded that there was in it the germ of a political idea, hostile to the two-party theory of the American system, and the President, who later was to embrace it, and seek to utilize it in support of his policy for a subsidized merchant marine, denounced the "group" as an element in American political life destructive and devastating in its tendencies.

The "Agricultural Bloc" was symptomatic of the striking tendency which had been observable toward the enactment of class legislation, a tendency which seems likely to continue; but it was economic and selfish, and not political and idealistic, and thus contained within itself the germ of its own destruction, an institution which would pass out as soon as the selfish motives which had prompted its creation no longer served to hold together those comprising it. As a political phenomenon it was actually unimportant, having no analogy to those movements springing from moral conviction, such as the defection of southern Whigs to the Democratic party on the issue of the repeal of the Missouri Compromise, which had brought on the struggle over Kansas, and the Civil War, or the revolt against entrenched power in Congress, which had contributed largely to the progressive movement. Yet in a large sense the "bloc" tendency was essentially progressive.

Nevertheless the "Agricultural Bloc" proved highly disquieting. The destruction of the party system and government by groups would be contrary to the basic principles of American government, a menace to the constitutional structure, since there is no provision

therein for a plan of government such as a "bloc" system would necessitate. Under the American system the Executive is not a member of the legislative branch of the government, exercises, constitutionally, no legislative function, except that of approving or disapproving acts passed by that branch, and is not responsible for his tenure of office, which is fixed within prescribed limits, to the maintenance of a majority in the legislative body. Hence the peril to American institutions through government by organized minority groups lies, not in the occasional breaking down of party lines, but in more sinister possibilities. Since non-partisan groups could operate only in consequence of aggregating a positive strength from different, and generally antagonistic elements, it would follow necessarily that to obtain adequate support of the legislative program, whose accomplishment had been the motive for the formation of the coalition, it would be necessary to make concessions at the expense of principle, as, for example, the necessity of giving support to a measure involving an expenditure for a sectional or local interest as a part of the price to be paid for support in return for a commendable and humanitarian project. It would also follow that to prevent the disintegration of the group or "bloc," organized for a special, and even worthy purpose, it would become necessary, to emphasize the importance of the group, to exercise its power in other spheres than those originally contemplated, a matter of serious temptation. Moreover the creation in this manner of a virtual veto power in the legislative branch might lead to coercion of the Executive, resting upon the impelling necessity of carrying out a general administrative program, and

compel him, in self-defense, to form an alliance with the group, or groups, and thus establish a coalition between the President and the dominant groups in Congress, whose policies would be determined in secret conferences and whose programs would be put through Congress in consequence of private agreements and understandings reached elsewhere. The President, under such an arrangement, would become possessed of legislative functions not conferred upon him by the Constitution. Thus to engraft a system of group-control upon the American structure of government would be a step toward, and not away from, the ultimate subserviency of Congress to the Executive.

Consisting of between twenty and thirty Senators, and a hundred or more Members of the House, of both parties, the "Agricultural Bloc," born of the land speculation craze in agricultural sections during and immediately after the war, and of the tremendous slump in the value of farm products in the reaction of 1920, despite the shrieks and lamentations of outraged conservatism in both bodies, proceeded to have its way with legislation as a highly organized minority which at least thought it knew precisely what it wanted, and which certainly did know exactly how to get it. By the close of the first year of Mr. Harding's administration the entire legislative record of the Republican party was progressive, and stand-patters of indigo hue found themselves confronted by the necessity of making their campaigns for reelection on a platform which they would have classified as rank socialism ten years earlier. Law after law went on the statute books which had been framed in the interest of the basic industry of the land. Some of them could not

stand the acid test as to constitutionality applied by the Supreme Court, but others were of unquestioned legitimacy in this respect, and proved effective. The "Agricultural Bloc" went on from conquest to conquest. It compelled the Finance Committee of the Senate to rewrite its revision of the internal revenue law, dictated its own terms in the framing of agricultural tariff schedules, and became a potent force. The leadership which had been intended for the Steering Committee was lodged in the "Agricultural Bloc" of Republican Senators, who had been organized largely by Senator Kenyon, of Iowa, into a very fair substitute for the "governing body" of the Senate. With the retirement from Congress of Mr. Kenyon, Mr. Capper became the elected chairman of the "bloc."

Despite its appearance of novelty the group was by no means new to the Senate. There was little essential difference between the "Agricultural Bloc," and the "bloc" of "Silver Senators" of an earlier day, while the group of powerful Senators who had represented New England's protected industries in the Senate had been to all intent a "bloc" long before that European term had been carelessly applied to those Senators in Mr. Harding's first year, who had created an organization of their own in the interest of agriculture.

The appearance of the "bloc" disclosed the absence of Senate leadership on the Republican side, and in September, 1921, in the first session of the Sixty-Seventh Congress, a serious attempt was made to give to the majority a sense of direction which it sadly lacked. The legislative situation was already critical, and it was foreseen that Mr. Lodge would necessarily

have to give considerable time to the Washington Conference, soon to assemble, and would therefore be unable to devote as much time to the Senate as was deemed essential. The highly centralized organization, from which so much had been expected, had broken down, and Republican Senators who were primarily politicians and who were already looking forward to the campaign of 1922, feared that under such conditions as then prevailed the party could not hope to make that record in Congress which would be essential to the party as a whole in a campaign year.

The Steering Committee was presented with an excellent opportunity to demonstrate its usefulness through the period of Republican travail, when the gentlemen of the "Agricultural Bloc" attended strictly to the business of shaping legislation nearer to the "dirt farmers'" heart's desire, and the gentlemen of the golf "bloc" could always muster a quorum at the Chevy Chase Club, but rarely did so in the Senate. When the western group, led by Mr. Kenyon, and Mr. Arthur Capper, of Kansas, compelled the Finance Committee and the Republican stand-patters to rewrite the internal revenue law, the so-called leadership of the Senate capitulated with more haste than gracefulness on the matter of higher surtaxes, upon which the "bloc" had insisted. Rather than see an open coalition in the Senate between western Republican insurgents and the Democrats, the "Old Guard" surrendered; but there was a mental reservation. It was intended that the House should restore the lower surtax rates, to which the party, and the President, were pledged, and assurances that the House would do so were conveyed to the Senate spokesmen of the con-

servative element by men at the other end of the Capitol who, under the new régime, lacked the power to control the House as that body might have been controlled in times gone by.

The only effective leadership among Senate Republicans had passed to the "bloc," and then was performed a maneuver quite out of the ordinary in congressional history. Quietly and firmly the Senators comprising the "bloc" brought to bear upon Republican Members of the House a pressure so great that when the vote upon the surtaxes was taken in the latter body the amazing discovery was made that they had exerted an influence which was irresistible. The House reversed itself—having originally favored a lower tax rate than that which the Senate "bloc" insisted upon and obtained—and the party leadership of Mr. Harding, who had sought to induce Congress to abolish the higher tax schedules, was seriously compromised, and the spirit of legislative independence of the Executive tremendously uplifted in every liberal breast.

The breaking down of party solidarity among Senate Republicans increased steadily during the Sixty-Seventh Congress, and in the sequel Mr. Harding was obliged to accept at the hands of his own party a reservation to his international treaty, which was as ridiculous as the highly moral reservation with which the party finally conceded the validity of Mr. Newberry's title to his seat in the Senate. The long struggle over the tariff disclosed the power of the "bloc" and the further demoralization of the majority.

The situation with respect to organized Republican leadership in the Senate was so hopeless from the be-

ginning of the Sixty-Seventh Congress that only the optimistic and ardent souls entertained ambitions concerning its reformation. Mr. Lodge was perfectly equipped in intellectual ability and political intuition for leadership. In the seclusion of his study, in solemn conference with himself, he could have formulated a program and defined a policy. But the Senate was in no mood for that kind of leadership and Mr. Lodge had no taste and less talent for running about. He knew the Senate well, and performed his duties as chairman of the conference with quite as much success as could have been obtained by any of his colleagues. Temperamentally he lacked the qualities which would have enabled Mr. Watson, of Indiana, to hold the party together under some sort of discipline. He was rather bored by conferences when others were present, and one fancied that he regarded the Steering Committee as only a bit of nonsense, exactly the place indeed for the LaFollettes and Frances of the Senate. At any rate the Steering Committee under his call met at rare intervals, the joint sessions with the Steering Committee of the House, which Mr. Mondell had proposed, were held still less frequently, and grand councils of the party with the President on just one occasion, or perhaps twice at the outside, during the critical period.

The truth of the matter was that the Senate was not suffering from a lack of leadership, for it had never been so constituted as to respond to organized party force, but was seeking to conform to the new popular idea of what the Senate should be. It was becoming precisely the kind of a body the people had intended it should become when they had stripped the Senator

of his ambassadorial dignity and made him a hustler for votes.

Some Senators yielded frankly to the changed conditions in American political life and became, not the envoys in Congress of sovereign states, but the representatives of the masses. Some continued to maintain a degree of their former unique distinction, clinging to the old conception, and the primaries of 1922 gave to them cold chills. Others found in the Senate no further appeal to men of independent minds, and, like John Tyler, voluntarily planned to return to private life. The Senate was in a state of transition as it came more and more under the dominating influence of the plain people of America.

During the first Congress of Mr. Harding's administration the changes going on in the Senate were so plain that they were, so to speak, visible to the naked eye, and the psychological transformation was not less plain. The Senators were not so sure of themselves as they had been formerly; their feet were planted upon a foundation less stable. All felt themselves at the mercy of their constituents, except perhaps a few coming from conservative states, where political conditions had not been disturbed so much, outwardly, at least, by the intellectual unrest of the people. This was true more with respect to Democrats than Republicans. Ordinarily the primary should not have affected the character of the Senate so much, for it had been the well-nigh universal experience with respect to this method of determining nominations, that its greatest weakness and imperfection lay in the fact that the people, busy with their personal affairs, with their plantings and harvestings, their trade and barter,

could not be induced to show in the primary elections that interest and concern essential to the success of the system as an important stone in the edifice of government. In most states marked apathy characterized the average primary contest, and only when public interest had been aroused by a forceful and picturesque presentation of issues, were the voters sufficiently aroused to go to the polls. In some states this condition had become so pronounced as to lead to movements looking toward reform, even to the extent of compulsory voting at the primary elections. In nearly all states discouragingly light votes were usually cast in the primaries.

Conditions such as these under normal circumstances should have been favorable to the interest of sitting Senators, since their place of distinction in their party, in Washington and in their own states, and their long term in office which enabled them to construct and maintain political organizations composed of men held in office by the power of patronage wielded under the confirmation prerogative, tended to make them party leaders and heads of their organizations. It is a political truism, of course, that a light vote in any election is favorable to the organization candidate, since the organization is composed of faithful party workers, trained and disciplined and feeling the responsibilities of party. It was not the primary so much which had changed the Senate, but the constitutional amendment which had altered the basic conception of the Senate. By the time Mr. Harding entered the White House the Senate was no longer aristocratic, but was thoroughly plebeian, a fact comprehended generally only by the newer Sena-

tors, and neither the President nor those seasoned Republican veterans upon whom he had thought to lean for support seemed to undersand the psychology of this. Senators, perhaps unconsciously, did not feel the party responsibility so deeply as in former times they had. There were still some Senators, like Mr. Penrose, who held control of their states by so firm a grasp that they were not so much influenced in their actions by personal political considerations, and it is open to argument whether or not a Senator could not often be a braver Senator when he was the "boss" of his state than when he was the servant of its people. But there were few states like Pennsylvania left in the Union at the close of the Wilson administration, and not even the organization of that Republican stronghold could survive the death of the successor of Quay, which was the signal for a progressive uprising.

In the Sixty-Seventh Congress progressive Senators who had been among the recalcitrant minority who had refused to vote for the Republican candidate for president pro tempore in the Sixty-First, had risen to places of prominence in the Senate by seniority, and although they were no longer looked upon as radicals, they exerted an influence in the Senate none the less powerful because their party irregularity had largely been forgotten. Mr. Cummins, who had refused to vote for the party candidate for president pro tempore in the Sixty-First Congress, had himself become president pro tempore, and held to his office with distinction and tenacity. If Mr. Cummins had retired from his position of honor the way might have been opened to a reorganization of the Senate which would have strengthened the "leadership" in a political sense, but

a project of this nature much discussed came to nothing, and so far as the Senate was concerned the party went into the campaign year in 1922 no better organized and led than it had been in the past, and no worse.

The party in the Senate was not of one mind for the reason that the people whom they represented were not of one mind. Opinion was in a formative stage, a fluid state, in the country, and Senators were but imperfectly in touch with public opinion, trying to sense it and to respond to it.

There were excellent reasons why this was inevitably so. The minds of the people were not convinced with respect to scores of questions. They had been shaken out of their grooves by the World War, which had so altered the aspect of society that the most familiar things were scarcely recognizable. New problems confronted each thinking man, and each man was thinking for himself for the reason that he had discovered that in the new universe in which he stood he knew about as much about things as any one else. It is remarkable that there was not an even greater disintegration of political opinion, such as that which had resulted in the destruction of the Federalist party, which had caused the obliteration of the Whigs, which had brought parties to a condition of chaos in the decade preceding the Civil War. Political opinion had seemed in a state of demoralization when the Thirty-Fourth Congress had assembled in 1855, and no less than nine candidates for the speakership, representing as many parties, or shades of partisanship, contested for control of the House. "Party principles had been invaded, disguised or suppressed; party names had bowed to emergencies suddenly

sprung upon politicians; and politicians had hurriedly bent the knee to clamors which they thought indications of party will. Old-fashioned party men could scarcely recognize their isolation; and new-fashioned party men soon lost their definitiveness, or were unable to master or serve it, in the jumble that took place." This analysis of the conditions which had finally resulted in the election of Nathaniel P. Banks to the speakership, written by a contemporary, might have been applied as an apt description to certain phases of the situation in the Senate in the Sixty-Seventh Congress, when party opinion was in such a state that one witnessed with amazement and not a little relish the interesting spectacle of Mr. Lodge, the Republican leader, voting against the Finance Committee of his party to reduce a duty in a tariff bill, and to pass the bonus bill over the veto of his own President. When things were in such a state that a leader could not even lead himself, there was something wrong many persons thought; but there was, in truth, nothing serious. The Senate was merely changing its skin, and that is a process invariably accompanied by contortions.

In point of intellectual ability the new Senate, responsible to the people, was quite as strong as the old Senate which had been made up of representatives of the states, and Mr. Lodge and his associates on the Republican side, and Mr. Underwood, and his Democratic colleagues, in every respect the peers of Senators who had preceded them into the pages of history. The Sixty-Seventh Congress, as a whole, was not open to sound criticism, the Senate as well as the House, which was a particularly strong House, and the complaints made of these two component bodies were based

upon wrong perceptions, when they did not spring from a design to discredit the progressive reforms in government.

The increasing influence of the West in the Senate was bringing new men and new ideas to the front. The passing of the balance of political power to the Mississippi Valley was naturally reflected in Congress, and especially in the Senate. In the reorganization of Senate committees, which occurred early in 1921, in which the committees, long out of harmony with the needs of the Senate and the executive departments, were reduced in number from seventy-five to thirty-four, the complex committee system was simplified and western Senators were brought forward into posts of greater responsibility. Of the ten major committees, under the new scheme of reorganization, those on Appropriations, Agriculture, Commerce, Finance, Foreign Relations, Interstate Commerce, Judiciary, Military Affairs, Naval Affairs and Post-Offices and Post-Roads, the chairmanships were held in the Sixty-Seventh Congress by western Senators with respect to seven of them, while in addition, although the venerable Carroll S. Page, of Vermont, was the titular chairman of the Committee on Naval Affairs, Mr. Poindexter, of Washington, the former progressive, who had worked his way steadily forward in the Senate since his insurgent days, was the actual chairman in everything save name, performing the labors which the state of Mr. Page's health rendered it impossible for him to do. Thus in 1922, Mr. Lodge, at the head of Foreign Relations, and Mr. Wadsworth, of New York, chairman of Military Affairs, were the sole representatives of the


East actually in places of power at the head of the major committees of the Senate, whereas in the Fifty-Eighth Congress, in 1905, of the corresponding committees of the Senate eight chairmanships were held by eastern men, and New England, which in Mr. Harding's time, theoretically held but two major chairmanships, and actually but one, that of Foreign Relations, had no less than six of the chairmanships of the all-powerful committees of the Senate, Maine and Connecticut each having two. Nothing could better illustrate the great change which had taken place in Senate leadership since the passing of the old régime, and the transfer of the dominant political power of the nation to the great West. The western influence in American political life had been liberalizing for a century, and was no less so in 1920 than it had been in 1810, when Henry Clay had clarified the atmosphere of Washington with a great gust of western inspiration.

Thus there was in a sense a deep significance in the appearance of the "Agricultural Bloc" of western Senators from the crop-producing states whence the nation drew its food supplies. The idea which it represented was economic rather than political. It was in its potential force rather than its actual force that its deep meaning lay. It disclosed a community of interest between the West and the South, and meant that whenever these two sections should choose to join hands they could rule the republic. The continued influence of New England and the East in the management of the affairs of the American government would depend in the future upon the alliance which could be maintained with the western group of progressive agricul-

tural states, and that alliance hung upon the willingness of the manufacturing states to subordinate their selfishness to the needs of the corn and wheat belt.

Of the spokesmen for this vast region Mr. Capper, of Kansas, exerted from the beginning of the Harding administration the largest single influence of any man in the Senate. The newspapers which he controlled and which he edited from his desk in the Senate were read in every farm-house in the West, and invaded the East as well, making a new field for the propagation of the ideas which the Topeka publisher broadcasted from his presses.

There was no editor in America with so keen an insight into the human heart as Mr. Capper possessed. The richest man in his state, he had gained wealth without losing his homely sympathy for the people, and his daily and weekly publications reflected all the hopes and sorrows of the small town and the farm. It was Mr. Capper who had thwarted the President and the leaders of this party in respect to the reduction of the surtaxes in the internal revenue revision which the Republicans made upon assuming the reins of government. He did more than fight the proposal of the administration in the Senate, where he unostentatiously led the "Farm Bloc" revolt and forced the capitulation of Penrose and Lodge—he extended his influence to the House in unobtrusive ways, and won a smashing victory for a western idea. All the time he continued to play golf with the President, and generally was a good substantial Republican until occasion required a show of his mighty power of publicity in the interest of those principles which his "short-grass" newspapers steadily advanced. Quiet and unassuming



in manner, with no talent as a fighter, Mr. Capper exerted his influence in the Senate through a steady and subtle pressure, which had the corrosive effect of dropping water. Lacking the genius of Mr. McNary, of Oregon, for political intrigue, for arranging this and fixing that, he had simpler methods whereby to reach his objectives and the two men, so much unlike in many fundamental ways, formed an admirable team and exerted an influence upon the business of the party in the Senate which was, perhaps, not at all understood outside of that body.

The passing of Pennsylvania's influential Senators, Penrose and Knox, deprived the Senate of two of its most conspicuous figures. On the Republican side Mr. Pepper brought to the Senate perhaps its finest legal conscience, while Mr. Brandegee possessed doubtless the best practical legal mind. The Connecticut Senator had been quietly coming into a position of leadership in the Senate, in the sense in which that word should always be used, as meaning a power of mind and not of any political force, but so quietly as to have attracted little notice. There were indications noticeable to those who studied the Senate that he exerted a considerable influence upon Mr. Lodge, and the stand which he took with respect to the insistence by the Senate of reservations to Mr. Hughes' amazing treaty of alliance proved the impregnability of his intellectual integrity. Slow and rather inclined to laziness, Mr. Brandegee was of the type which must be aroused to action, but once stirred he was formidable in a gentlemanly and diplomatic way. Like Borah he stood firm on principles, regardless of political consequences, and like that great shaggy grizzly from Idaho he would

not sacrifice a national or a moral issue for the sake of a temporary political advantage. In uncompromising political honesty Mr. Wadsworth, of New York, who had brought to the Senate the parliamentary experience gained in the New York speakership, who was young, strong and aggressive, a firm believer in the two-party system of government, and who was willing to labor at the tasks of legislation, was a force in the Senate without being a leader. In the general disintegration of political opinion going on in the Senate he stood fast to basic facts and refused to budge.

Intellectually the Senate was as strong under Mr. Harding as it had been under Mr. McKinley, and as able as any Senate which had existed since the early days of the republic, whose traditions have become historical. The Senate of the people which had debated and determined the question of the League of Nations had been as brilliant as any Senate in the annals of America. It was a time when the whole intellectual level of the country was on a very high plane, and when the United States Senate itself was inspired by the great outpouring of national expression which made the very laborer in the street an orator and a statesman. The debates in the Senate in this period will bear comparison with those of the days of Clay, Calhoun and Webster. One finds nothing in the great discussions over slavery and secession exceeding in power and majesty the debates of the Senate at the close of the war. The inability of the Senate to function more perfectly with the House, and the indications of its own lost sense of direction, were not signs of intellectual poverty. The Senate was simply showing itself to the country, for the first time under normal conditions, in its new character.

CHAPTER XV

THE HOUSE AND THE PEOPLE

IT BEGAN to be apparent in the Sixty-Seventh Congress that the character of the Senate was perceptibly changing. In the process of becoming liberalized that body had lost much of its constitutional distinction.

Doubtless it was never contemplated by the founders of the government that in the event of Senators being opposed to the ratification of a treaty negotiated and submitted by the Executive, the President could appeal over the head of the Senate to the constituencies of members of that body who might not be in sympathy with his foreign policy. In view of the extraordinary significance of the language of the Constitution which gives to the Senate a distinctly executive authority with respect to treaties, the change in the organic law which had subjected Senators in the exercise of this function, to reprisals at the hands of a President in a political campaign, was of serious import, comparable to an alteration in the organic law which would enable a President to appeal to the country from a decision by the Supreme Court, or to seek to influence a decision. The Supreme Court is made by the Constitution impervious to the influences of political controversy. In each generation this great court has responded subconsciously to the mandate of the people's will, interpreting the Constitution in harmony with the spirit of the age which it has served. But it has re-

mained impregnable to the assaults of passing whims and unsolidified opinion. In impeachment cases the Senate sits as a court, and when thus sitting upon the trial of the President, the Chief Justice shall preside, and the Senate assumes a judicial dignity superior to that of the Supreme Court itself. The direct election of Senators therefore altered the character of the Senate in this important respect, that it changed the nation's highest judicial tribunal, that charged with the duty of trying the President of the United States in impeachment proceedings, from a conservative to a popular body, whose Members were constantly under the necessity of bowing to public clamor in order to retain their seats. The Senate's power of confirmation had already been much weakened by the extension of the civil service, and the further impairment of its functions with respect to the ratification of treaties and in its judicial capacity, tended to undermine its influence at a time when the House was consolidating the appropriating power more firmly in its own hands. It was apparent that the Senate was in decline, that the power of the House was rising, and that since the Constitution did not contemplate two popular bodies, that body of Congress having the strongest unimpaired powers would dominate the other. Thus the Senate, as Mr. Harding came into office, was tending to become, not a second House of Representatives, for there is no place in the system for that kind of a body, but an institution inferior to the House of Representatives, whose bright star ascended as the Senate went into eclipse.

Fortified by the aggrandizement of its enormous power with respect to the federal revenues exercised

under a rigid legislative budget system and operating under rules designed to check any attempted usurpations of the Senate, the House in the Sixty-Seventh Congress seemed at the threshold of a new era, which should witness the rise of the truly popular branch of the national legislature as the great forum of the republic.

It must be remembered that in the beginning the House had been greater than the Senate. Clay had found there a more splendid opportunity than the Senate had afforded him during the two short terms which he had served before he was Speaker, and he voluntarily left the Senate because of the larger advantage which he might have for the exercise of his talents and the consummation of his plans in the other body.

"At the origin of the government," said Vice-President John C. Breckinridge, in an address preceding the removal of the Senate from the old to its new chamber,* "the Senate seemed to be regarded chiefly as an executive council. The President often visited the chamber and conferred personally with this body; most of its business was transacted with closed doors, and it took comparatively little part in the legislative debates. The rising and vigorous intellects of the country sought the arena of the House of Representatives as the appropriate theater for the display of their powers. Mr. Madison observed, on some occasion, that being a young man, and desiring to increase his reputation, he could not afford to enter the Senate; and it will be remembered, that, so late as 1812, the great debates which preceded the war and aroused the coun-

*In the Senate, January 4, 1859.

try to the assertion of its rights, took place in the other branch of Congress."

The rise of the Senate to power was almost imperceptible, growing largely because of the vast increase in the patronage which, with the President, it controlled. The ambition of the Senate aimed at superiority not only over the House, but over the President, and reached its height with the impeachment of Andrew Johnson. The senatorial primary gained ground in the Democratic and progressive states, as senatorial resistance to the popular election of the Members of that body prevented the consummation of the constitutional reform to which the House at an early date was ready to subscribe. Senators controlled the political machines of their states, and waxed fat in arrogance. The rich Senator with a "barrel" became a party necessity, and the Senate an object of popular suspicion.

The Senate attained greatness slowly, but not more surely than there gathered strength in the movement for its subjugation to the popular will. Mr. Wilson, of Pennsylvania, in the convention of 1787, made a motion to give the election of Senators to the people, but his state, alone, voted for it, and the constitutional system was finally established with the votes of but two states, Pennsylvania and Virginia, against it. Nearly forty times, up to the close of the Fiftieth Congress, the change to popular elections had been urged, the constitutional amendment having been first proposed in Congress in 1826,* and submitted again in 1835. Andrew Johnson, as Representative, as Senator, and as President, advocated the change. After the year 1872

*By Mr. Henry R. Storrs.

the idea of the reform seized upon the popular imagination, and in the Forty-Ninth and Fiftieth Congresses there were six resolutions proposing the direct election of Senators. In the Fifty-Second Congress twenty-five such resolutions were offered, and up to 1896 the legislatures of California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, New York, Ohio, Oregon, Washington and Wyoming had recommended the reform. The House responded to the demand which came from the country, and the Fifty-Second and the Fifty-Third Congresses passed joint resolutions to submit the proposed amendment to the States. All this time the Senate itself steadily resisted, combatting an idea which was finally embodied in the organic law, not in consequence of a sudden passion on the part of the people or of an ill-considered action founded on hysteria, but as a result of a well-considered project hardening into solemn convictions through long processes of thought.

Jackson, Johnson and Cleveland challenged the rising power of the Senate, which grew in greatness until the only remedy which could cure the disease of legislative pride was applied to it. Mr. Lodge, writing in 1903, said that the power of the Senate had grown enormously since its creation, but he declared this to be due to no usurpations on its part. "The increase in the importance, weight, and power of the Senate is due primarily to its inherent strength, and this strength rests upon the manner in which it was endowed by the framers of the Constitution.*" With equal authority in legislation, with executive functions which involve all appointments to office and all our foreign

**Scribner's Magazine*, Vol. 34, p. 549.

relations, it was inevitable that as the country and the government grew the powers of the Senate should increase more largely than that of any other branch of the government, for the single reason that its original opportunity for growth was greater. This increase of power in the Senate has undoubtedly been stimulated by the *fact that the rigid rules* necessary in the lower branch have prevented the House from doing many important things which the Senate, with its easy methods of conducting business, could readily take up. Many matters from which the House excluded itself by its own rules were in this way thrown into the possession of the Senate, which is a sure method of enhancing legislative power."

The change to the system of direct elections of Senators by the votes of the people ended the era of senatorial domination, and occurred at about the time that the House was undertaking the consolidation of its own powers. The overthrow of the speakership and the liberalization of the rules of the House had preceded the democratization of the Senate. The centralization of the appropriating power in the hands of a single puissant committee of the House under a legislative—and not an executive—budget system, and the gradual working out of a new method of House government by the Republican party when it returned to office in the legislative halls in 1919, had followed it. The causes which had contributed to the increase in the Senate's power, with respect to the rules of the House, no longer existed, and although a mighty power had been annihilated in the House when the Speaker had been rendered impotent and the rules revised, a

power which in the past had challenged that of the Senate, another power was rising to take its place.

The Republican system devised in the Sixty-Sixth Congress and somewhat perfected in the Sixty-Seventh was obviously not to be a permanent one. It required something more, a greater centralization of the power of the House in the hands of the Floor Leader; and while there were at this period no signs of any formidable sentiment in the House favorable to the restoration of the autocracy of the speakership, there were noticeable indications of an effort on the part of the thinking men of the party in the House, those endowed with a keen sense of responsibility, to produce an organization which should be more effective in the centralization of power and responsibility without being an encroachment upon the liberty of the individual. The Democratic system, in which a greater power was concentrated in the Floor Leader by virtue of his practical control of the Committee on Ways and Means, the committee-making committee of the House under that party, had proved in some respects more suited to the needs of the House than that which had been evolved, under unusual conditions, by the Republicans.

That the liberalization of the House had enhanced its power over both the Senate and the President the legislative record of the Sixty-Seventh Congress, up to the time of the summer recess in 1922, clearly demonstrated. The House needed only to bring its governing body into the open, to reorganize its committee system, and to reduce the numbers of its membership, to take once more the preeminent place it had occupied in Congress at the beginning of the government.

A most significant change was noticeable in the psychology of the House, as subconsciously it reacted to the larger responsibilities which were thrown upon it. When the Senate had been made up of the ambassadors of states, and not the representatives of the people, it was conservative, and performed the function of being a check upon the House, which was regarded as the more radical body of the two; but when the Senate became responsive to the popular will it showed a striking tendency to be even more susceptible than the House itself to the constantly fluctuating opinion of the people and the passions and prejudices of the hour. When the Senator subordinated statesmanship to vote-getting he lost the respect of the people whom he sought to serve, and his prestige was weakened.

Mr. Harding's administration was naturally affected by the psychological condition at the Capitol. The Senate was as strong in intellect as it had ever been, and there was as much leadership as the Senate had ever tolerated, but the old party cohesion was gone; in the House a new consciousness of the increased prestige of that body possessed the minds of all its Members. In both bodies the very men who complained of the lack of the President's leadership turned on him when he sought to exercise it.

Although Mr. Harding had been nominated by the so-called reactionary elements of the Republican party, his election by no means represented the triumph of that part of the party which outwardly it seemed to indicate. In a very large sense the progressive defeat of 1912 had been in reality a victory, and without the destruction of the Republican party being accom-

plished, the liberals in that party had in effect taken substantial possession of it.

Mr. Harding had sought at the beginning of his term to establish cordial relations with the Senate. He had appeared there in person, on the day of his inauguration, to present his nominations to the Cabinet. He had been a Member of that body, but this circumstance was not to help him in his design. The fact that he had been a Senator was in reality against him. Practically the Senate understood Mr. Harding too well. He was no mystery to any man on either side of the dividing aisle. There was about him no baffling quality of mind. He never kept the Senate guessing, as one might say; it always knew what to expect from him.

Perhaps because of his desire to cooperate with the Senate Mr. Harding began the practise of having the Vice-President sit with his Cabinet, an innovation which, through the tact and good sense of an exceedingly prudent and cautious man, resulted in no evil consequences, although it certainly contributed nothing to the efficiency of government, and might conceivably lead to most embarrassing consequences. Mr. Coolidge became in no sense a liaison officer between the White House and the Senate, did not attempt to interpret the President's policies at the Capitol, walked strictly along the chalk-line of his official duties, which are not those of a Member of the Senate, but of an officer of the United States, and gave to the President and the Cabinet the benefit of his advice, which he might have done just as readily and easily without being attached like a vermiform appendix to the official family. This effort

on the part of the President in the direction of a breaking down of the sharp distinction between the executive and the legislative branches of the government which had endured from the foundation of the republic gained some additional significance from a movement, born in the executive departments at a later period, looking toward the admission of members of the Cabinet to the Houses of Congress. The idea was not new, and there was no possibility of Congress acquiescing in so remarkable a departure from established principles. The impetus given to it by members of Mr. Harding's Cabinet is important in the disclosure thus made of the executive wish to draw into a closer relationship with Congress.

With the members of his party in both Houses of Congress the President came into contact in the White House, on the *Mayflower*, and under the trees of his favorite golf links. Returning from these excursions into the presidential mind, spokesmen undertook to interpret what the Executive thought, or would do, in so many different ways that it became quite impossible for the prudent and cautious to accept congressional opinion as White House fact. Programs at the Senate changed from day to day and only the House stood fast, and did this only at the cost of imprecations heaped upon it. The truth is that those things for which the House was criticized were not due to its weakness but to its strength.

The lack of united party effort during the first eighteen months of the administration of Mr. Harding was not an indication of congressional weakness. The strength of the House of Representatives is not gaged by the harmony with which it works with, and carries

out, the policies of the President, policies often determined upon elsewhere than at the Capitol in conferences between the President and his official, or unofficial advisers, who may not be even members of his party, but by the independence with which it exercises its constitutional functions in itself establishing and developing policies of government. Measured by this standard the House in the Sixty-Seventh Congress was perhaps the strongest since the Civil War. In the vigor with which it repeatedly resisted attempted inroads upon its prerogatives the House was conspicuous. Although Mr. Harding had proclaimed the doctrine of the complete separation of the executive and the legislative functions, the exigencies of his situation, beset as he was by the problems growing out of the war which crowded upon him, did not always permit him to carry out his own theories, and abide by his own strict constitutional principles, as he declared them. The result was that Congress was constantly coming into conflict with the President's practical proposals which did not invariably square with his precepts. On the questions of the soldiers' bonus, the refunding of the foreign war loans, the funding of the railroad indebtedness, internal taxation, and others, the House followed its own inclinations, contrary to the Executive's desires, taking its idea of the relationship between the Capitol and the White House from its great Speaker, Henry Clay, who said that according to the Constitution "the participation of the President in the legislative power—his right to pass upon a bill—is subsequent and not previous to the deliberations of Congress. The constitutional provision is, that when a bill shall have passed both Houses it shall be pre-

sented to the President for his approval or rejection. His right to pass upon it results from the presentation of the bill, and is not acquired until it is presented."*

"The official and constitutional relations between the President and the two Houses of Congress," said Mr. Clay on another occasion,† "subsist with them as organized bodies. His action is confined to their consummated proceedings, and does not extend to measures in their incipient stages, during their progress through the Houses, nor to the motives by which they are actuated."

This was the strictly constitutional theory, the theory to which Republican Presidents had generally subscribed, and which Democratic Presidents had as generally ignored. "Our President," in the opinion of Mr. Taft, "has no initiative in respect to legislation given him by law except that of mere recommendation, and no legal or formal method of entering into the argument and discussion of the proposed legislation while pending in Congress."‡ Mr. Harding upon an interesting occasion went so far as to appear personally before the Senate—and not before Congress as a whole—to use his influence, thus most uncommonly exerted, to prevent action upon a bill then under consideration, an action whose psychological reaction upon the House was not favorable to the President. "In the American system of government," says John Fiske, "the independence of the executive department, with reference to the legislative is fundamental." On that theory the new House stood. It had reacted vio-

*In the Senate, September 25, 1837

†In the Senate, July 12, 1832.


‡*The Presidency*, Scribner's, 1916.

lently from the domination of Mr. Wilson, and Mr. Harding was a victim of that reaction.

In the casting about for an explanation of what was happening in American politics the primary system was seized upon, and forthwith charged with the crime. It was true that the primary had not worked successfully in some states, and modifications of the idea were being made in New York, Minnesota, and other commonwealths, but the fundamental idea had obviously come to stay in the American political system until superseded by some other device for making nominations growing out of that theory and not a reaction from it. The political phenomena ascribed to the effects of the primary system were observable in European countries where there was no primary. In aligning himself with those who sought the destruction of the primary Mr. Harding again failed to understand the psychology of the House and of the country, for the same reason, doubtless, which prompted him to commit the error of opposing a bonus for the ex-service men at the very moment he proposed a program of elaborate subsidies for the uneconomic war-time merchant marine which should have been liquidated precisely as the surplus munitions were disposed of. It is a basic principle of American statecraft that before a President attempts the consummation of a policy of administration he should have either the Congress or the country with him, but Mr. Harding frequently committed himself to projects without being sure that he had either, and the resulting confusion of party purpose was erroneously ascribed to a lack of leadership in Congress.

That this lack of leadership, so-called, was due to

the general use of the primary system, was not susceptible of proof. The distintegration of political opinion of which Republicans complained was by no means a phenomenon in American politics. John C. Calhoun had fretted at the identical thing in 1843, when he declared that "politics and political parties are becoming more and more confused," and this was long before the primary system had been utilized. Yet the distinguished South Carolina partisan was in much the frame of mind at this period as characterized Senate Republicans eighty years later. Those who undertook, openly or covertly, to accomplish the destruction of the primary failed to consider that it had been brought about, not as the result of a sudden whim, but as a reform in the nominating system which had been of very slow growth, succeeding the convention, no longer flexible and free, as the convention had succeeded the vicious caucus system of making nominations for public office. All the experience of the American experiment in government tended to show that changes in political institutions had come about very slowly, and that the processes of liberal reform had never been stopped by reaction. All the indications pointed to an extension of the primary system, perhaps to its modification in densely populated states, such as New York, having many racial problems to consider, at the very moment that Mr. Harding and the conservative spokesmen for the stand-pat element in the Republican party took a position, with much loss of prestige to themselves, against an institution of popular government which bore all the evidences of permanency. Politicians of both schools were being compelled to see, according to their light, that no party



could afford to seek harmony through the medium of political force, and that only through the adjustment of those differences inherent in the minds of honest men could party solidarity be maintained and the constitutional system preserved.

Thus the first year and a half of Mr. Harding's administration came to an end with the Executive measurably weaker and the House immensely stronger than had been true at the beginning, and with the Senate seemingly entering upon a period of decline. Its independence of spirit under the new system had been the vindication of the House as Congress responded, not without making mistakes, to the hopes and aspirations of the masses of the people whose servant it recognized itself to be.

The American people were demanding of their leaders in Congress high principles, unbending courage and fidelity. As the Senate lost the aristocratic character it had maintained for a century the new House sought to conserve those splendid institutions of the people which may be preserved only in the temple of the people.

THE END





INDEX



INDEX

- Adams, John Q., 236.
Advisory Committee, origin of, 202.
"Agricultural Bloc," 265 *et seq.*
Aldrich, Nelson W., 112, 142, 255, 256; and Senate Committee on Finance, 102.
Allison, William B.: 141, 255, 256; as chairman of the Senate Committee on Appropriations, 111.
Allston, Willis, Jr., 32.
Army Budget, reduction of, 235.
Assembly of Virginia, origin, 4.
- Banks, Nathaniel P.: 277; elected Speaker of the House, 53.
Bell, John, and Supply Bills, 236.
Benton, Maecenas E., 41.
Beveridge, Albert J., 141, 267.
Blackburn, J. C. S., 80.
Blaine, James G., as Speaker of the House, 73 *et seq.*
Bland, Richard, 9, 10.
Borah, William E., 141, 257, 281.
Boudinot, 27.
Boutell, Henry S., 171.
Brandege, Frank B., 281.
Breckinridge, John C., speech of, 285.
Broussard, Edwin S., 169.
Buchanan, James: and admission of Kansas, 54; nomination for Presidency, 53.
Budget Act: passed by Barding, 228; vetoed by Wilson, 228.
Budget Commission, 226 *et seq.*
Budget System, 232 *et seq.*
Burleson, Albert S., and removal of Cannon, 168.
Burleson Resolution, 173.
- Calder, William M., 169.
"Calendar Wednesday": 119, 144, 148 *et seq.*, 181; rule amended, 183.

- Calhoun, John C.: 38; and Jackson, 39, 296.
Cameron, Simon, 82.
Campbell, Philip P., 169, 203.
Cannon, Joseph G.: 22, 84, 85, 111, 209, 227, 235; absolutism of, 97; assumes speakership, 112 *et seq.*; "Calendar Wednesday" fight, 151; characterized, 113; defense of his committees, 160; leadership questioned, 143 *et seq.*; Norris Resolution, 164; party loyalty, 162; power of, 145; Roosevelt, 113, 122; tariff revision, 133; unfamiliarity with parliamentary law, 118.
Capper, Arthur: 269, 270; as editor, 280.
Carey, Archibald, 9.
Carlisle, John G.: 19, 85, 104, 227; as Speaker of the House, 82.
Carpenters' Hall, 10.
Carr, Dabney, and Correspondence Committee, 9.
Caucus, 92.
Civil Rights Bill passed, 62.
Clark, Champ: 110, 171; Committee on Rules, 165 *et seq.*; elected Speaker, 174; revolution in the House, 156; Speaker of the House, 172 *et seq.*
Clay, Henry: 98; declaration of War of 1812, 38; powers of Congress, address, 34 *et seq.*; powers of President, 49; as Speaker of the House, 31 *et seq.*; Treasury Department speech, 46 *et seq.*; and United States Bank investigation, 45 *et seq.*
Clayton, Augustus S.: 41, chairman United States Bank investigation, 43.
Clayton Resolution, 43.
Cleveland, Grover: 19; and Fifty-Third Congress, 103; significance of election to Presidency, 76.
Colfax, Schuyler: 53, 98, 226; characterized, 56, 57; and passage of the Thirteenth Amendment, 55; and policy of the Federal Government toward South, 58 *et seq.*; as Speaker of the House, 54, 55.
Colonial Assemblies, 4.
Committee on Appropriations: 228; effect on Congressmen, 230; revision in 1885, 227.
Committee on Banking and Currency, 161.
Committee on Committees, appointed, 202.

- Committee on Correspondence, 9.
- Committee on Organization, 292.
- Committee on Rules: 23; and the Fifty-First Congress, 85; growth, 89; power of, 199.
- Committee on Ways and Means of the Fifty-First Congress, 86.
- Congress: conflict with Johnson, 64; constitutional obligations of, 30; and Executive, 244; old and new order compared, 196; reforms, 119 *et seq.*; and Representatives from South, 61; revolution of 1910, 143 *et seq.*
- Congressional Dictionary*, 196.
- Congressmen, personal duties of, 249.
- Constitution and powers of Congress, 28, 29.
- Coolidge, Calvin, 291.
- Cooper, Henry A., 158, 168.
- Cox, James M., 169.
- Crisp, Charles F.: 89, 104, 110; Speaker of the Fifty-Second Congress, 103.
- Crittenden, 20.
- Crumpacker, Edgar D., chairman of the Census Commission, 148 *et seq.*
- Customs Administrative Law, 101.
- Cullum, Shelby M., chairman of caucus, 256.
- Cummins, Albert B., 141, 257, 275.
- Curtis, Charles: lack of leadership, 259; secretary of caucus, 256.

- Dalzell, John, 111, 154, 171.
- Davis, Henry Winter, 65.
- Declaration of War of 1812, 37.
- Democratic: Denver platform, 172; and Jackson, 45; party integrity, 172; platform of 1868, 75; progressivism, 179; reforms in 1862, 177; United States Bank investigation, 48.
- Denby, Edwin, 169.
- Diggs, Dudley, 9.
- Dingley, Nelson, Jr., chairman of the Ways and Means Committee of the Fifty-Fifth Congress, 101.
- Dinwiddie, Governor, 6, 7.
- Direct primary: influence of, 1; moves for, 286, 287.
- Dixon, Lincoln, 171.
- Dolliver, Jonathan P., 141, 257.

- Dred Scott decision, 54.
Duane, removed from Secretaryship of the Treasury, 44.
Dunn, Thomas B., 219.
Eleventh Congress, 32.
Embargo Act, 36.
Enfranchisement of women: influence of, 1.
England, and War of 1812, 36.
Esch-Townsend Bill, 133.
- Fassett, Jacob S., 171.
Fauquier, Governor, 7.
Federal Budget, 226.
Fernald, Bert M., 262.
Fiftieth Congress, 281.
Fifty-Eighth Congress, 115, 279.
Fifty-First Congress, 100, 101.
Fifty-Second Congress, 287.
Filibustering, 94.
First Continental Congress, 10; rules of, 26, 27.
Fitzgerald, John J.: 148, 171; as chairman of the Committee on Appropriations, 180.
Floor Leader: the powers of, 176, 199; responsibilities of, 221, 223.
Force Bill, 100, 101.
Fordney, Joseph W., 169.
Fortieth Congress, 63.
Forty-First Congress, 73.
Forty-Ninth Congress, 19, 287.
Fourteenth Amendment, 62.
Fowler, Charles N., 158, 160.
France, Joseph, 261.
Freedmen's Bureau Bill, passed, 62.
Frelinghuysen, Joseph S., 262.
Frye, 142, 256.
- "Gag Rule," 91.
Gallagher, Thomas, 142.
Garfield, James, chairman of the Ways and Means Committee, 74.
Gerry, Elbridge, 20.

Gillett, Frederick H.: 109, 218; as Speaker of the House, 192; weaknesses of, 245.
Good, James W., 209, 229, 233.
Gorman, Arthur P., 104, 110.
Grant, U. S., and House, 74.
Grow, Galusha A., 63.
Gronna, Asle J., 165, 168.
Grosvenor, Charles H., 111.
Grundy, 37.

Hale, Frederick, 112, 142.

Harding, Warren G.: administration and legislation of, 268; aftermath of the Great War, 293; "Agricultural Bloc," 266; first financial estimates, 232; first year, 297; and the House, 243; legislative powers of, 294; naval appropriation, 241; primary system, 243; reason for nomination, 189; struggle for harmony, 293; unfamiliarity with House government, 245.

Hardwick, Thomas W., 169.

Harrison, Benjamin, 9, 10.

Haugen, Gilbert N., 158.

Henderson, John S.: 84, 97; as Speaker of the House, 110; retires, 112.

Henry, chairman of the Committee on Rules, 181.

Henry, Patrick, 9, 10.

Hepburn Bill, 133 *et seq.*

Hitchcock, Gilbert M., 169.

Holman Rule, 240.

Holman, William S., and supply bills, 238.

"Hour Rule," 90.

House of Burgesses: Speaker, 4; trial of criminals, 8.

House of Representatives: committee system archaic, 248; crisis of March 16, 1910, 147; development of, 2; downfall of party government in, 138; forces at work in, 138 *et seq.*; House and Harding, 242; financial estimates, 233 *et seq.*; tariff revision of, 101; growth of, 11; increase in size, 125; mind of, 25; new era in, 285; new independence as result of direct primary, 245; organization of, 205; origin of, 3 *et seq.*; power of appropriation, 225; progressivism in, 246;

- reform of, 1910, 23; retrenches, 145 *et seq.*; rules of 1920 in regard to Senate and bills of appropriation, 289; surtax issue, 271; three reforms (1911-1921), 236 *et seq.*; Wilson's state-of-war influence, 187.
- Hughes, 169.
- Ingersoll, Charles J., 93.
- Initiative, referendum and recall, 136.
- "Insurgency," 143.
- Internal Revenue Law rewritten, 270.
- Inter-State Commerce Committee, 134.
- Jackson, Andrew, removal of Duane from Secretaryship of Treasury, 44.
- James, Ollie M., 169.
- Jefferson, Thomas, 9.
- Johnson, Andrew, 39, 58; conflict with Congress, 64; direct primary, 286; impeachment of, 40, 68, 286.
- Johnson, Hiram W., 257.
- Joint Steering Committee, 282 *et seq.*
- Kansas Industrial Court, 263.
- Keifer, J. Warren, Speaker of the House, 80.
- Kellogg, William P., 262.
- Kenyon, William S., 257, 267.
- King, Cyrus, 33.
- Kitchin, Claude, 244.
- Knox, Philander C., 260, 281.
- Lacey, John F., 105.
- LaFollette, Robert M., 141, 261, 262.
- Lawrence, George P., 171.
- LeCompton Constitution, 54.
- Lee, Richard H., 9, 10.
- Lenroot, I. L., 168, 169, 257.
- Lincoln, Abraham: admission of Arkansas, 64; and Colfax, 55; cooperation with Congress, 63; and electoral votes, 66.
- Long, Alexander, defends South, 56.

- Lodge, Henry Cabot: 112, 142, 272, 277, 254, 256, 259, 261, 278;
in Senate, 188.
- Longworth, Nicholas: 219; political history of, 203.
- McComas, 79.
- McCormick, Joseph M., 261, 262.
- McCumber, Porter J., 259.
- McKinley, William B. (of Illinois), 69.
- McKinley Bill, 85.
- McKinley, William: 201; administration of property, 181;
Buffalo speech, 128; chairman of Ways and Means Com-
mittee, 84; of Committee on Rules, 85; president pro tem-
pore, 21.
- McKinley Tariff Act, 101.
- McNary, Charles L., 261, 281.
- Macon, Nathaniel, 32.
- Madden, Martin B.: 169, 203; chairman of Committee on Appro-
priations, 209; power of, 240.
- Madison, James: 20; and Clay, 34.
- Magna Charta, 8.
- Mann, James R.: 145, 191, 201; chairman of Committee on Com-
mittees, 202; plan for Committee on Committees, 193; power
of, 205 *et seq.*; support of Cannon, 162 *et seq.*
- Missouri Compromise, 53.
- Mondell, Frank W.: 169, 202, 218, 219, 222; characterized as
Floor Leader, 200; Committee on Appropriations, 229; ef-
fices, 212; Joint Steering Committee, 282.
- Morrill, Justin S., 62, 255, 256.
- Murdock, Victor, 160, 168.
- Muhlenberg, Frederick A., 27.
- Naval Budget, reduction of, 235.
- Nelson, Adolphus P., and revolution in House, 158.
- Newberry, T. H., 271.
- Nicholson, Robert C., 9.
- Ninth Congress, 32.
- Non-Intercourse Act, 36.
- Norris Resolution: 171; adopted, 167; revised, 165.
- Norris, George W.: 158, 161, 257; revision of Committee on
Rules, 159 *et seq.*

- Orr, James L.: chairman of Committee on Rules, 89; Committee on Vacancies, 109; as Speaker, 54.
- Orth, Godlove, S.: proposes commission to replace Speaker, 80; resigns from Committee on Rules, 80.
- Page, Carroll, S., 278.
- Payne-Aldrich Tariff Law, 143.
- Payne, Sereno E., 111, 155, 158.
- Pendleton, Edmund, 91.
- Penrose, Boies: 263, 281; results of his death, 261.
- Pepper, George W., 281.
- Platt, 112.
- Poindexter, Miles, 168, 169, 278.
- Polk, Albert F., 94.
- Pomeroy, Theodore M., 62.
- Populist Movement, 128 *et seq.*
- "Pork Barrel Bill," 140.
- Porter, Peter B., 37.
- Prentiss, Sergeant S., 92.
- President pro tempore, and Act of 1792, 19, 20
- "Previous question," 91.
- Primary, direct, 136 (*see Direct primary*).
- Public opinion in 1921, 276.
- Pym, John, 59.
- Quay, 112.
- Railroad reforms, 130 *et seq.*
- Randall, Samuel J.: 227; counting of electoral votes, 78; defeat of the Force Bill, 79; powers of Congress, 78; Speaker of the House, 77 *et seq.*
- Randolph, John, and Missouri Bill, 90.
- Randolph, Peyton, 8, 9, 10.
- "Reed Rules" adopted by Democrats, 101.
- Reed, Thomas B.: 12; absolutism of, 97; amendment of House rules, 81 *et seq.*; describes Fifty-Second Congress, 105; dignity of speakership, 106-107; humor of, 88; party government, 100; Rules Committee, 80; as Speaker, 84 *et seq.*; of Fifty-Fifth Congress, 101.

- Reforms of 1909-10, 115.
- Republican: administration in Sixty-Seventh Congress, 195; Congress of 1918, 188; decentralization of power, 221; loss of power, 170; party, 98, 199; reorganization, 199 *et seq.*; results of revolution in Kansas, 180; theory of party government, 98.
- Robeson, George M., 80.
- Robinson, John, 7.
- Robinson, Ransdell, 169.
- Roosevelt, Theodore: 39; attack upon Senate, 136; and Cannon, 122; letter to James E. Watson, 116; and railroads, 127 *et seq.*; reforms react on party, 137; and Supreme Court, 136; Taft's nomination, 137; tariff, 132 *et seq.*
- Root, Erastus, and United States Bank investigation, 41.
- "Sacred Wednesday," 120.
- Senate: 2; appropriations, 239; change from conservative to popular body, 284; effect of direct primary, 274; and Harding administration, 282, 291; influence of the West, 264, 278; an open forum, 91; origin of, 3 *et seq.*; reaction in, 290; rise in power, 286; and Roosevelt, 134; rules of, 258; Steering Committee reorganized, 289; ten major committees, 278; Treaty of Versailles, 188.
- Senatorial domination ended by direct primary, 288.
- Seniority rule a menace, 248.
- Seventeenth Amendment, 257.
- Shackleford, Dorsey W., 164.
- Sheppard, Morris, 169.
- Sherman Anti-Trust Act, 101.
- Sherman Silver Law, 103.
- Sherman, John, 255, 256.
- Sherman, Roger, 20.
- "Silver Senators," 269.
- Simpson, Jerry, appointment of House committees, 109.
- Sixtieth Congress, 141.
- Sixty-First Congress, 119.
- Sixty-Second Congress: 172; rules of, 181; special session, 174.
- Sixty-Seventh Congress: 211, 260, 269, 270; break in Republican solidarity, 271; jealousy, 253; power and influence of, 13; strength of, 291.

- Sixty-Sixth Congress, conditions, 189 *et seq.*
Sixty-Third Congress, 183.
Smith, Sylvester C., 171.
Smith, Walter I., 171.
"Solid South," 179.
Speaker of the Colonial Assembly, 10 *et seq.*
Speaker of the House: 1; attempt to limit, 32; challenge of power, 22 *et seq.*; origin of, 3; power of, 199; powers in First Congress, 26; power of recognition, 86, 87, 182; in Sixty-Sixth Congress, 218; strength of, 11 *et seq.*
Speaker of Pennsylvania: power of, 4.
Spooner, Henry J., 112.
Stamp Act, 7.
Stanley, 169.
Steering Committee: 202, 204, 211 *et seq.*; joint Steering Committee, 253; members in Sixty-Sixth Congress, 213; personnel, 218; procedure, 214; rules of, 212; in second session of Sixty-Seventh Congress, 216; in Senate of Sixty-Seventh Congress, 262.
Stevens, Thaddeus: 55, 201, 226; chairman of Committee on Appropriations, 62; Southern Representatives, 67.
Stevenson, Andrew, 41.
Summary of reforms in Congress, 288 *et seq.*
Sumner, Charles: admission of Arkansas, 64; deposed from chairmanship of Committee on Foreign Relations, 92.
Supply bills, 237.
Supreme Court, 283.
Surtax issue of 1921, 270.

Taft, William Howard: 117, 157; Canadian reciprocity, 174; nomination due to Roosevelt, 137.
Taney, Roger B., appointed Secretary of Treasury, 44.
Tawney, James A., 154, 209.
Taxation in Virginia, 9.
Taylorsville, Clay's speech at, 47.
Thirty-Fourth Congress, 276.
Thirty-Ninth Congress, 58, 67.
"The Three Musketeers of Politics," 39.
Townsend, Charles E.: 169; and "Calendar Wednesday," 150.

- Treasurer of the Colony, 6.
- Turner, George, 82.
- Twelfth Congress, 37.
- Two party system of government, 51.

- Unanimous consent calendar, 182.
- Underwood Law, 90.
- Underwood, Oscar W.: 155, 169, 171, 183, 277; "Calendar Wednesday" speech, 148 *et seq.*; Ways and Means Committee, 174; Wilson régime, 176.
- United State Bank: investigation, 40 *et seq.*; removal of public money from, 44.

- Vice-President and Cabinet, 291.
- Virginia: early Assembly of: 5, taxation in, 9.

- Wade, Senator, 65.
- Wadsworth, James W., 262, 278, 282.
- Washington Conference, 270.
- Washington, George, 9, 10.
- Watson, James E.: 263, 272; letter from Roosevelt, 116.
- Ways and Means Committee: powers of, 125; under Wilson, 185.
- Webster, Daniel: 44; and Jackson, 39.
- Weeks, John W., 169.
- West, influence on Congress, 265.
- Whig Party, 39.
- "Whip," duties of, 222.
- White, Speaker of the House, 90.
- Wilson, John H., direct primaries, 286.
- Wilson Tariff Bill, 104.
- Wilson, Woodrow: 39; characterized, 184; effect of state of war on his leadership, 186; presidential theories, 184.
- Winslow, Samuel E., 203.





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